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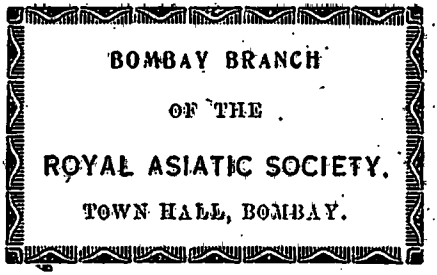

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LORD CHANCELLOR ELDON.

London Published by John Murray Albemarle Street 1844.

THE

PUBLIC AND PRIVATE

LIFE

OF

LORD CHANCELLOR ELDON,

WITH

SELECTIONS FROM HIS CORRESPONDENCE.

37793

BY

HORACE TWISS, ESQ.

ONE OF HER MAJESTY'S COUNSEL.

IN THREE VOLUMES.

VOL. II.

Ἐπίσχες· οὔτι τὸ ταχὺ τὴν δίκην ἔχει·
Βραδεῖς δὲ μῦθοι πλεῖστον ἀνύουσιν σοφόν.

EURIP. *Phœniss.* 455, 6.

Stay: speed secures not justice: 'tis slow counsel
That most works wisdom.

SECOND EDITION.

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CONTENTS

OF

THE SECOND VOLUME.

CHAPTER XXIII.

1806, 1807.

Cabinet Seat of Lord Ellenborough, Chief Justice. — Witnesses' Indemnity Bill. — Letter of Lord Eldon to Dr. Swire. — Insolvent Debtors' Bill. — Acquittal of Lord Melville. — Death of Mr. Moises: his Epitaph by Sir William Scott. — Death and Anecdotes of Lord Thurlow. — Dissolution of Parliament. — Letters, from Lord Eldon to Sir William Scott: from the Duke of Portland to Lord Eldon. — Debate on Negotiations for Peace with France. — Correspondence of Lord Eldon with Lord Melville on the Prospects and Principles of Parties. — Slave Trade. — Investigation into Conduct of the Princess of Wales: her Letters to Lord Eldon, and Re-acceptance at Court - - - - - - Page 1

CHAPTER XXIV.

1807.

Dismissal of the Whig Ministry: Letters from Lord Eldon to Sir William Scott and Dr. Ridley. — Transfer of Great Seal from Lord Erskine to Lord Eldon. — Letter from Lord Eldon to Dr. Swire. — Composition of the new Ministry. — Lord Eldon charged as the King's secret Adviser in the Change of Ministers: his Refutation of that Charge. — Dissolution of Parliament: King's Speech - 29

CHAPTER XXV.

1807.

King's Speech on the Opening of the new Parliament. — Debates on the Dissolution: Responsibility of new Ministers for the Dismissal of their Predecessors. — National Education. — Letter from Lord Eldon to Mr. Farrer on a Course of Study for the Bar. — Appointment of Accountant-General - - - - 44

CHAPTER XXVI.

1808.

Orders in Council: Lord Eldon's Speech in Defence of them. — Seizure of the Danish Fleet: Letters of Lord Eldon to his Lady: his Speech in Defence of the Seizure: Anecdote of George III. — Detention of Danish Merchant-ships. — Note from the Princess of Wales. — Letter of Lord Eldon to Dr. Swire on Revealed Religion. — Duke of Cumberland's Visit to Encombe. — Sportsmen trespassing there. — Letter of Lord Eldon to Sir William Scott, advising Refusal of Ecclesiastical Judgeship - - - - Page 54

CHAPTER XXVII.

1809.

Colonel Wardle's Charges against the Duke of York: Letter from the first Lord Melville. — Lord Byron's Introduction into the House of Lords. — Lord Erskine's Bill against Cruelty to Animals: Anecdote of him. — Scotch Judicature: Story told by Lord Eldon. — Letter from Lord Castlereagh - - - - 68

CHAPTER XXVIII.

1809.

Declining Health of the Duke of Portland, then First Minister: Letter from Mr. Perceval to Lord Eldon. — Mr. Canning's Requisition for the Withdrawal of the War-department from Lord Castlereagh: Letters from the Duke of Portland to Lord Eldon. — Duel between Lord Castlereagh and Mr. Canning: Disruption of the Cabinet: the Chancellor's Letters to Lady Eldon and Sir William Scott during the Progress of the Attempts to re-construct the Ministry: Claims of Mr. Canning to the Premiership. — Death of Sir William Scott's Lady. — Letters from the Chancellor to Lady Eldon and Sir William Scott, relating the subsequent Attempts at a Ministerial Settlement. — Death of the Duke of Portland. — Ultimate Composition of Mr. Perceval's Government - - - - 77

CHAPTER XXIX.

1809.

Vacancy in the Chancellorship of Oxford. — Lord Eldon a Candidate, against Lord Grenville and the Duke of Beaufort. — Letters of Lord Eldon to several Members of his Family. — Lord Grenville elected. — Letters, of Lord Eldon to his Family, and of the King to Lord Eldon, and Extract from the Anecdote Book respecting the Contest 107

CHAPTER XXX.

1810.

Opening of Session. — Reversion Bill. — Lord Collingwood. — Letter from Prince of Wales to Lord Eldon. — Capital Offences: Certainty of the Punishment. — Catholic Question. — Commitments for Contempts. — Attempts to strengthen the Ministry: Letters of Mr. Perceval and Lord Castlereagh. — Letter of Sir Vicary Gibbs on the Canadian Constitution - - - Page 116

CHAPTER XXXI.

1810, 1811.

Permanent Illness of George III.: Meeting of Parliament: Letter of the Queen to Lord Eldon: Deliberations of Parliament on the Mode of supplying the Executive Powers: Struggle of Parties: Ministerial Plan for investing the Prince of Wales with a restricted Regency: Remonstrance of the Royal Dukes: Letter of the Duke of Cumberland to Lord Eldon: fiscal Difficulty in default of Sign Manual. — Admissibility of Proxies in Committees of the House of Lords. — Offer of Regency accepted by the Prince. — Commission for the regular Opening of the Session. — Proposal for committing the Control of the Royal Household to the Queen: Attack of Lord Grey upon Lord Eldon: Lord Eldon's Vindication of himself and of that Proposal: Debate on Period for Cessation of Restrictions: further Discussions on Lord Chancellor's Conduct: Royal Assent by Commission to the Regency Bill. — Letters of Lord Eldon to Mr. Perceval and to Sir William Scott - - - 128

CHAPTER XXXII.

1811.

Mr. Perceval's Administration continued by the Regent. — Letters from the Queen. — Ex-officio Informations: Judicial Arrears in Chancery and in the House of Lords: Mr. M. A. Taylor's Attempts at Chancery Reform: Anecdotes of him. — Debates in House of Lords on the Irish Convention: on the Dissenting Ministers' Bill: on the Abolition of certain Capital Punishments. — Letters of Lord Ellenborough and the Duke of York. — House of Lords: Catholic Question: Court of Admiralty. — Letter of Lord Eldon to Dr. Swire. — Currency. — Letters from Mr. Perceval, on the Government of Ireland, and on the approaching Termination of the Regency Restrictions. — Letter from Lord Ellenborough. — Verses by Lord Eldon to his Lady. — Sir William Scott's Property saved by Lord Eldon. — Unfavourable State of the King's Health - - - - 163

CHAPTER XXXIII.

1811, 1812.

Confirmation of the Ministry: Letters of Mr. Perceval to Lord Eldon, and of Lord Eldon to Mr. Perceval. — Debates: on Frame-breaking: on the Constitution of the Ministry. — State of Parties. — Catholic Question: Lord Eldon's Speech. — Letter of Lord Eldon to Dr. Swire: Removal of the Prince's Prejudices against Lord Eldon. — Mr. M. A. Taylor's Chancery Motions and Committees: Sir S. Romilly's Diary: Letter of Lord Eldon to Mr. Perceval. — Assassination of Mr. Perceval: Narrow Escape of Lord Eldon: Letters of Princess Elizabeth and of Lord Eldon: Mr. Perceval's Merits: Tribute to them from Mr. Canning - - Page 185

CHAPTER XXXIV.

1812.

Re-construction of Ministry: Minutes of Cabinet: unsuccessful Negotiations with Lord Wellesley and Mr. Canning: Address of the House of Commons for an efficient Administration: unsuccessful Negotiations, of Lord Wellesley and Lord Moira, with Lords Grey and Grenville: Re-establishment of the pre-existing Cabinet under Lord Liverpool. — Strictures of Sir S. Romilly on the Negotiations. — Catholic Question: Speech of Lord Eldon. — Arrears of Judicial Business. — Letters from the Queen to Lord Eldon, and from Lord Eldon to Dr. Swire. — Dissolution of Parliament, and Grounds of it: Letter from Lord Liverpool. — Fire at Encombe: Letters of Lord Eldon to Sir William Scott - - - - 209

CHAPTER XXXV.

1812, 1813.

New Parliament. — Address respecting Disputes with United States: Lord Eldon's Speech. — Attempt of Princess of Wales to open Correspondence with Prince Regent. — Letter of Lord Eldon to Sir William Scott. — Action against Sir William Scott by Beaurain: Advice of Lord Ellenborough and of Lord Eldon against Payment of Money to avert Attacks on Character. — Trial of Lord Sligo's Case before Sir William Scott: Marriage of Sir William Scott with Dowager Lady Sligo: its Circumstances: Anecdote. — Vice-Chancellor's Bill debated and passed: Appointment of Sir T. Plumer: Strictures of Sir S. Romilly, and Claims of Mr. Richards. — Letter from Lord Eldon on the Education of his Grandson. — Partial Relief to Roman Catholics. — Letter of Lord Eldon to Dr. Swire 229

CHAPTER XXXVI.

1814.

Adjournment of Parliament for the Settlement of European Affairs under the General Pacification. — Strictures of Sir S. Romilly upon Lord Eldon's Conduct with respect to Sir W. Garrow. — Project for a Marriage of the Princess Charlotte with the Prince of Orange: Letter from Lord Liverpool to the Chancellor. — Prince Regent and Emperor of Russia. — Freedom of Merchant Tailors. — The Duke of Wellington's Seat in the House of Lords first taken. — Princess Charlotte: her Flight from Warwick House: Lord Eldon's Account of the Circumstances of her Return: Question and Motion of the Duke of Sussex in the House of Lords. — Offices in Reversion Bill. — Debtors' Freehold Estates Bill. — Dr. Swire's Present to Lord Eldon of a Bible: Lord Eldon's Letter to him - - Page 246

CHAPTER XXXVII.

1815.

Scotch Jury Bill. — Corn-Law Riots: Attack on Lord Eldon's House: his Narrative of Particulars: Letter from Queen Charlotte to the Hon. Miss Scott. — Reply of Lord Eldon in the House of Lords to the Duke of Gloucester. — Second Bill respecting Freehold Estates of Debtors. — Mr. Jekyll's Appointment to a Mastership in Chancery: Anecdotes connected with it. — Marriage of the Duke of Cumberland. — Detention of Napoleon at St. Helena: Letters of Lord Eldon and Lord Liverpool upon the Principle of it - - - 259

CHAPTER XXXVIII.

1816.

Debate on Detention of Bonaparte. — Letter from the Queen. — Debates: *Revision of Statute-law: Alien Bill: Catholic Question. — Royal Marriages: Anecdote of Lord Ellenborough: Forms observed on Marriages of Princesses of Blood Royal. — Letter from Lord Ellenborough* to Lord Eldon. — Letter of Lord Eldon on the Essentials of Education for his Grandson - - - - 281

CHAPTER XXXIX.

1817.

Political Disturbances: Preventive Measures introduced into Parliament: *Debate on Seditious Meetings' Bill. — Letters from Prince Regent to Lord Eldon, and from Lord Eldon to Sir W. Knighton. — Representation of the University of Oxford. — Debates on Lord Sidmouth's Circular respecting Arrest for Libel.* — Visitation of State Prisoners. — Suspension of Habeas Corpus. — Tenure of Two Offices together

— Marriage of Lord Eldon's eldest Daughter. — Confinement and Death of Princess Charlotte. — Retirement of Sir W. Grant: Sir Thomas Plumer appointed to be Master of the Rolls: and Mr. Leach to be Vice-Chancellor - - - - Page 288

CHAPTER XL.

1818.

Letter from the Prince Regent to Lord Eldon upon the Conduct of the Princess of Wales. — Letter from Lord Eldon to Sir William Scott, on his own Position and Prospects. — Indemnity Bill. — Liberality of Lord Eldon. — Debates on Regency Act Amendment: Cotton Factories: Educational Charities: Arrest for Libel. — Dissolution of Parliament. — Newcastle Election: Letter from Lord Eldon. — Royal Marriages: Letter from Lord Liverpool. — Resignation and Letter of Lord Ellenborough: Appointment of Successor: Question of Peerage. — Death of Sir Samuel Romilly: of Queen Charlotte. — Accession of the Duke of Wellington to the Cabinet - 304

CHAPTER XLI.

1819, 1820.

New Parliament. — Factory Children. — Custody of the King's Person. — Motion of Mr. M. A. Taylor on the Court of Chancery. — Position of the Government: Letter from Lord Liverpool. — Catholic Question. — Legacy declined. — Appeals of Felony and Wager of Battle, abolished. — Letters from Lord Eldon to Sir William Scott and to the present Earl: School Recollections of the latter: Correspondence between the Chancellor and the Home Department on the Disturbances in the North. — Message to Parliament from the Prince Regent: the Six Acts. — Death of George III.: Anecdotes related by him at different Times to Lord Eldon - 325

CHAPTER XLII.

1820.

Cato Street Conspiracy. — Marriage of the Hon. F. J. Scott to the Rev. E. Bankes: Correspondence with her. — New Parliament. — Bishop of Exeter and Clergy. — Letters of Lord Eldon to Mrs. E. Bankes, and to Mrs. Forster. — Arrival of Queen Caroline: Proceedings in Parliament respecting her: Letters to Mrs. E. Bankes. — Capital Punishments; Marriage-Act Amendment Bill. — Queen's Trial: Charges completed: Adjournment. — Attempt of the Queen to procure a House next door to Lord Eldon's: Letters of Lord Eldon to Lord Liverpool. — Visit of Lord Eldon to Encombe: Letter from him to Sir William Scott. — Resumption of Queen's Trial: her Defence:

Reply: Debate on Second Reading of Bill of Pains and Penalties: Lord Eldon's Speech: Letter from Lord Eldon to Sir William Scott.— Committee: Third Reading: Abandonment of Bill: Letter to Mrs. E. Bankes: Sir John Leach's Statement of his own Part in the Inquiry: Reflections of Lord Eldon on the Proceedings: Observations on their Public Effect, and on the Conduct of the Queen, and of the Ministers - - - - Page 360

CHAPTER XLIII.

1820, 1821.

Episcopal Promotion. — Letter from Duke of Wellington. — Lord Eldon's Cabinet Dinner: Letters of Lord Eldon and Sir William Scott. — Birth of a Daughter of the Duke of Clarence. — Welsh Bribe. — Decline of Queen's Popularity: Letters from the King to Lord Eldon, and from Lord Eldon to Mrs. E. Bankes: Liturgy. — Catholic Question: Lord Eldon's Speech and Letters to Sir William Scott. — Grampound Disfranchisement. —Motion of Mr. M. A. Taylor on Arrears in Chancery. — Preparations for Coronation: Letters from Lord Eldon to Mrs. E. Bankes: Earldom conferred on Lord Eldon: Terms of Patent: Letter from him to the King, and the King's Answer. — Description of the Great Seal. — Ceremonial of Chancellor taking Seat in House of Lords on Promotion to Earldom. — Sir William Scott created Lord Stowell. — Coronation: Circumstances relating to it. — Letters, from George IV. to Lord Eldon, and from Lord Eldon to Lord Stowell - - 407

CHAPTER XLIV.

1821, 1822.

Death of the Queen: Letters from Lord Londonderry and the Duke of Montrose to Lord Eldon, and from Lord Eldon to Lord Stowell. — Second Title of Encombe: Letters from Lord Eldon to Mrs. Farrer and his Grandson. — State of Ireland: Letters from Lord Redesdale. — Letter from George IV. to Lord Eldon. —Coalition with the Grenvilles: Accession of Sir R. Peel. — Speech of Duke of Devonshire. — Letters from Lord Eldon to Lord Stowell and Lady F. J. Bankes. — Tithes. — Letter from Lord Eldon on Confirmation of his Grandson. — Catholic Question. — Marriage-Act Amendment Bill. — Motion of Mr. M. A. Taylor on the Court of Chancery. — Letters from Lord Eldon to Lady F. J. Bankes. — Death and Parliamentary Character of Lord Londonderry: Letter from George IV. to Lord Eldon: Letters from Lord Eldon to Lady F. J. Bankes. — Ministerial Arrangements: Accession of Mr. Canning - - 431

CHAPTER XLV.

1823.

Letters from Lord Eldon to Lady F. J. Bankes, to Lord Stowell, and to Lord Encombe. — Private Property of the Sovereign. — French Invasion of Spain. — Letters of Lord Eldon to Lord Encombe and to Lady F. J. Bankes. — Mr. Williams's first Motion on Delays in Chancery. — Debates in House of Lords: Dissenters' Marriages: Oath of Supremacy: Appeal Business, and Speech of Mr. Brougham in the House of Commons. — Letters, of Lord Eldon to Lady F. J. Bankes, of the King to Lord Eldon, and of Lord Eldon to Lord Stowell. — Lines on the Chancellor - - Page 467

CHAPTER XLVI.

1824.

Lords' Rota. — Attacks on the Chancellor: Mr. Williams's Motion: Letters of Mr. Peel to Lord Eldon, and of Lord Eldon to Lady F. J. Bankes and to the Rev. Matthew Surtees: Mr. Abercromby's Complaint. — Appointment of Mr. Farrer to a Mastership: Letters of Mr. Farrer to Lord Eldon, and of Lord Eldon to Sir M. W. Ridley. — Letters of Lord Eldon to Lady F. J. Bankes. — Advancement of Lord Gifford: his legal Character: his Title: Letters of Lord Liverpool to Lord Eldon. — Memorandum of Lord Eldon on Pretensions of Law Officers. — Unitarian Marriages Bill. — Lord Encombe's Entrance at the University: Letter to him from Lord Eldon. — Bills respecting Aliens: Joint-Stock Companies: English Roman Catholics: Earl Marshal: King's Remonstrance. — Letters of Lord Eldon to Lady F. J. Bankes. — Scotch Law. — Dorsetshire Cunning, — and Simplicity. — Letters from Lord Redesdale to Lord Eldon upon Ireland - - - - - 486

CHAPTER XLVII.

1825.

Letters of Lord Eldon to Lady F. J. Bankes. — Mr. Brougham's Invective against Lord Eldon: Letters of Lord Eldon to Lady F. J. Bankes and Mr. Surtees. — Speeches of Lord Eldon: Irish Associations: Game Laws. — Assertion of the Right of the Clergy to petition Parliament. — Duke of York's Declaration against the Roman Catholics: Lord Eldon's Version of it. — Letters of Lord Eldon to Lady F. J. Bankes. — Catholic Question: *Wings*. — Letters of Lord Eldon to Lady F. J. Bankes. — Corruption of Blood. — Arrears in Chancery. — Letters of Lord Eldon to Lady F. J. Bankes. — Sir Francis Burdett's Motion, for Evidence taken by Chancery Commission. — Judges' Salaries Bill: Emoluments of the Great Seal. — Letters of Lord Eldon to Lord Encombe and the Rev. H. J. Ridley. — Motion of Sir F. Burdett respecting Chancery Arrears. — Letters from Lord Eldon to Lord Liverpool, and from Lord Liverpool to Lord Eldon - - - - - 533

CHAPTER XLVIII.

1826.

House of Lords: Slavery: Local Notes. — Chancery Arrears. — Corn Laws. — Letters of Lord Eldon to the Rev. Matthew Surtees and to Lady F. J. Bankes. — Chancery Commission: Proposals arising out of it: Letters of Mr. Robinson, Lord Liverpool, and Mr. Peel. — Death of Lord Gifford: Letters respecting the Arrangements consequent upon it, from Lord Liverpool and Mr. Peel to Lord Eldon and from Lord Eldon to Lady F. J. Bankes Page 566

CHAPTER XLIX.

1826, 1827.

Antagonist Principles in the Cabinet: Extract from Cobbett. — Majority of Lord Encombe: Letters to him from Lord Eldon. — Duke of York's Death: Lord Eldon's Reminiscences of him. — Fatal Illness of Lord Liverpool: Letters from Lord Eldon to Lady F. J. Bankes and Lord Encombe. — Catholic Question. — Profits and Arrears of the Great Seal: Bill to remodel Chancery Practice. — Political Character of Lord Liverpool. — Negotiations for the Formation of a new Ministry: Letters from Mr. Peel to Lord Eldon. — Construction of Mr. Canning's Government: Letters from Lord Eldon to Lady F. J. Bankes: Explanations of the retiring Ministers: Letters connected with Lord Eldon's Retirement addressed to Lord Encombe by Lord Eldon, Lady E. Repton, and Mr. Farrer, and to Lady F. J. Bankes by Lord Eldon: his Answer to the Farewell Address of the Masters in Chancery. — Anecdotes of his Chancellorship preserved by himself and several of his Friends - - - - 577

LIFE

OF

LORD CHANCELLOR ELDON.

CHAPTER XXIII.

1806, 1807.

CABINET SEAT OF LORD ELLENBOROUGH, CHIEF JUSTICE. — WITNESSES' INDEMNITY BILL. — LETTER OF LORD ELDON TO DR. SWIRE. — INSOLVENT DEBTORS' BILL. — ACQUITTAL OF LORD MELVILLE. — DEATH OF MR. MOISES: HIS EPITAPH BY SIR WILLIAM SCOTT. — DEATH AND ANECDOTES OF LORD THURLOW. — DISSOLUTION OF PARLIAMENT. — LETTERS, FROM LORD ELDON TO SIR WILLIAM SCOTT: FROM THE DUKE OF PORTLAND TO LORD ELDON. — DEBATE ON NEGOTIATIONS FOR PEACE WITH FRANCE. — CORRESPONDENCE OF LORD ELDON WITH LORD MELVILLE ON THE PROSPECTS AND PRINCIPLES OF PARTIES. — SLAVE TRADE. — INVESTIGATION INTO CONDUCT OF THE PRINCESS OF WALES: HER LETTERS TO LORD ELDON, AND RE-ACCEPTANCE AT COURT.

In the construction of the new Ministry, there was one arrangement which gave umbrage to many constitutional lawyers, both in and out of Parliament. This was the allotment of a seat in the Cabinet to Lord Ellenborough, the Lord Chief Justice of the King's Bench. It had been stipulated by Lord Sidmouth, on acceding to the Cabinet, that some one of his own friends should be placed with him there; and of those friends Lord Ellenborough was deemed, from his ability and personal character, to be the fittest auxiliary. But, with the exception of Lord Mansfield,

no Chief Justice had, since the Revolution, been a member of the Cabinet; and the exception in Lord Mansfield's case had not been sufficiently approved to constitute a legitimate precedent. The subject was brought by the Earl of Bristol under the consideration of the House of Lords on the 3rd of March, when Lord Eldon, in a speech tempered with the most courteous and respectful consideration for the Learned Lord who was the subject of the motion, assigned the reasons which rendered it in his opinion unadvisable that the Lord Chief Justice should ever be a member of the Cabinet.

That such an arrangement was not illegal, he admitted: and he would not say that it was unconstitutional; but he thought it inexpedient, because it tended to excite a suspicion of political partiality in the administration of justice. It was observable that Lord Mansfield, whose case formed the solitary precedent, had become extremely unpopular after his entrance into the councils of the Government; and the jealousy which then arose in the minds of the people, however ill-founded, had been sufficient to weaken the confidence which ought ever to be reposed in a judge. Lord Eldon declared himself persuaded that the tenure of a seat in the Cabinet would not in the slightest degree affect the purity of Lord Ellenborough's judicial administration; but he thought, that, for the satisfaction of the country at large, it was undesirable to have the Lord Chief Justice in such a position: and he trusted that, on reflection, the Learned Lord himself would not wish to retain it. It would not be proper that the same individual should act, first as a Minister to institute prosecutions for treason and sedition, and afterwards as the judge to preside at the trials. A Lord Chief Justice, it was true, might, in such cases, absent himself from the Council, or delegate the trial at law to some other judge; but in either of these cases he abandoned some duty appertaining to one of his two appointments. There might occur prosecutions,

not for offences affecting the general foundations of government, but for mere libels on the party in office; and the person accused, in any such case, would never be satisfied of the fairness of his trial, if the presiding judge were a member of the Cabinet directing the prosecution. Lord Eldon added, that he had himself been connected with Lord Ellenborough, for nearly thirty years, by the sincerest friendship: and even if he could suppose that this personal regard could be at all weakened by anything which he had then said, still he felt himself so strongly impelled by a sense of duty, that he could not refrain from expressing his opinion. He concluded by a suggestion that the best way of disposing of the matter would be to leave it to the consideration of Lord Ellenborough himself; and he was convinced that his Noble Friend would arrive at that result, which would be satisfactory to the feelings of the public as well as to his own.

Lord Bristol's motion was negatived without a division, and Lord Ellenborough continued in the Cabinet till its dissolution in the following March.

The House of Lords having in 1805, on Lord Eldon's advice*, excluded, from the bill for indemnifying the witnesses on the impeachment of Lord Melville, that part of the measure which went to give a bounty upon their evidence by protecting them against civil liability, an attempt was now made in the House of Commons to accomplish this object by a separate enactment. When the new bill arrived in the House of Lords, Lord Eldon opposed it, as in the preceding year, on the ground that no witness could legally decline to give an answer by reason merely of its exposing him to a civil action: and that consequently the indemnity now proposed was not requisite for getting at his evidence. The opinions of the judges having been desired respecting the witness's

* See Chap. XXI.

right to withhold the answer, and four of them having declared for the right to withhold, while the other eight, concurring with Lord Eldon and the Lord Chancellor, were of opinion that the answer could not be withheld, it was deemed expedient, for the removal of all doubt on so important a practical question, to bring in a bill, which passed into law as the 46 Geo. 3. c. 37., and which *declares* that a witness cannot refuse an answer on the sole ground that it may tend to establish that he owes a debt "or is otherwise subject to a civil suit." The bill for indemnifying the particular witnesses on the impeachment of Lord Melville became thus unnecessary, and was accordingly withdrawn.*

How heavily the loss of his son still continued to bear upon Lord Eldon's spirits, will be seen from the manner in which, at the end of March, he pours out his feelings to his friend Dr. Swire: —

Extract.—Not dated; but endorsed March 31st, 1806.

"Dear Swire,

"I have very frequently taken up my pen to write to you. I have as often laid it down, unable to bear up against the intrusion of those melancholy ideas, which always present themselves when I see, hear, or think of, any one at once the friend of my departed, and of myself. * *

* * * * * *

"At the end of thirty busy years, I have nothing to do, I mean with this world, but the great work of preparing myself for another; and I am afraid that *that* is much to do, when a man has been immersed in this world's business, and such part of its business as I have been engaged in for so many years. May it not be a blessing, that, at the beginning

* See the Parliamentary debates of 1806, vol. vi. pp. 360. 401. 421. 483. 502. 950. as to the declaratory bill; and pp. 166. 169. 179. 222. 244. 342. and 362. as to the bill of indemnity.

of that period which I am to employ better, I am awakened to a sense of duty, by a judgment as awful as that which, in my loss, has been poured out upon me?"

The Whigs, fresh in Government, and strong in the confidence and support of a considerable body of the people, whose long-excited expectations, rational or irrational, there had not yet been time to disappoint, could scarcely, for the present, be opposed in Parliament with any advantage. Lord Eldon, therefore, was not called upon to come forward in debate upon any party question. The only discussion of importance, in which he took part before the close of the Session, was that of the 14th of May, on the Bill for the Relief of Insolvent Debtors; when

He said that experience had now convinced him of the evil attendant on these occasional measures, and of the necessity of some permanent enactment for vesting the property of insolvent debtors in the hands of assignees, who should have full power to deal for the creditors.

The principle thus propounded has been adopted by the Legislature, and forms the basis of the existing law upon this subject.

The proceedings on the impeachment of Lord Melville, which were begun on the 29th of April, came to a close on the 12th of June, when the defendant was wholly acquitted. The majority in his favour upon different charges varied from 27 to 128: on one, the 4th, the favourable verdict was unanimous. Lord Eldon, on every one of the articles, declared him not guilty.

The 23d of July 1806 concluded this Session of Parliament.

On the 5th of the same month, died Lord Eldon's

early instructor, the Rev. Hugh Moises, in his eighty-fifth year. Mr. Brewster's memoir of him, quoted in the first chapter of this work, describes his monument erected in St. Nicholas Church, Newcastle, and gives, from the tablet there, the following inscription by his distinguished pupil, Sir William Scott: —

Juxta Requiescit
REVERENDUS HUGO MOISES, A.M.
Collegii Divi Petri apud Cantabrigienses
Olim socius,
Postea, per longam annorum seriem,
Ludi Literarii, in hoc oppido fundati,
Præfectus;
Atque ibidem, in Ecclesiâ Omnium Sanctorum,
Verbi divini Prælector.
Vir erat ingenio eleganti et exculto,
Literis humanioribus apprime ornatus,
Et in his impertiendis
Indefessus ac felix:
In regendis puerorum animis
Leni usus imperio, sed constanti:
Moribus facillimis nec inficetis,
Sed ad vitæ et officii sui sanctimoniam
Rite compositis:
Omnium, quorum studiis dirigendis
Invigilaverat,
Commodis in omni genere promovendis,
Amicissimè semper, sæpe utiliter, intentus:
Religionis, patriæ institutis stabilitæ,
Cultor observantissimus,
Et in concionibus sacris
Explicator diligens, doctus, disertus.
Hoc monumento memoriam nominis,
Consecrari voluit
Permultorum discipulorum
Amor et veneratio:
Favente, et pecuniâ collatâ juvante,
Novacastrensium Municipio,

Viri de suis omnibus optime meriti
Gratè memori.
Obiit Anno Salutis MDCCCVI, Ætatis Suæ,
LXXXV,
Filiis Hugone et Gulielmo superstitibus.*

---

* Near this spot rests
THE REVEREND HUGH MOISES, M.A.,
Formerly fellow
Of St. Peter's College, Cambridge,
Afterwards, for a long series of years,
Master
Of the Foundation Grammar School in this town,
And Lecturer on the Divine Word
In the church of All Saints, there.
He was a man of elegant and cultivated mind;
Highly accomplished in polite letters,
And indefatigable and felicitous
In imparting them:
Exercising a mild, but firm authority
In directing the minds of youth:
Of manners most easy, and not without pleasantry,
But duly chastened
To the sanctity of his life and office:
Anxious, ever most kindly, and often successfully,
To forward in every way the interests
Of all those, the course of whose studies
He had superintended:
Of the religion, established by his country's institutions,
A most devout observer,
And, in his sacred discourses,
A diligent, learned, and eloquent expounder.
The affectionate veneration
Of a numerous body of his pupils
Hath caused the memory of his name
To be consecrated by this monument,
With the countenance and auxiliary contribution
Of the Corporation of Newcastle,
Who remember with gratitude
How highly he deserved of all connected with him.
He died in the year of Grace 1806,
And in the 85th of his age,
Leaving two sons, Hugh and William.

The subscription list is headed by the Corporation of Newcastle. Of the other subscribers, all of whom had been the pupils of Mr. Moises, Lord Eldon, Sir William Scott, and Lord Collingwood, stood first, second, and third.

On the 12th of September 1806 Lord Thurlow died. In his decline, he gave a remarkable proof of his confidence in Lord Eldon, who thus speaks of it to his daughter-in-law, Mrs. Scott, in a letter without date: —

"My dearest Henrietta,

"I have been much surprised to find that my old friend and benefactor, Lord Thurlow, for such he once was notwithstanding politics had led him to conduct himself sadly to me, has, with marks of great personal regard and confidence, made me one of his executors. This has affected me much."

The Anecdote Book contains some strong illustrations of Lord Thurlow's character: —

"Mr. Fox, or Mr. Burke, said of him, that he *looked* wiser than any man ever *was*. Burke, I think, speaking of his unbending manners in Parliament, and his courteous behaviour when in presence of the King, said, 'Thurlow was a sturdy oak at Westminster and a willow at St. James's.'"

"Lord Thurlow was asked how he got through all his business as Chancellor; his answer was, 'Just as a pickpocket gets through a horsepond; he *must* get through.'"

"At Buxton, Lord Thurlow lodged with a surgeon and apothecary, opposite to whose house there was a butcher's shop. Lord Thurlow asked his landlord, 'whether he or his opposite neighbour killed the most?'"

"Lord Thurlow had no mercy, and he ought not to have had any, on a roguish attorney. He had made a certain attorney pay all the costs of an infant's suit, in which he was solicitor, on account of the extremely improper manner in which the cause had been carried on. In another suit, upon the death of a tenant for life who had been entitled to the interest of a sum of money in Court, this attorney applied to have the fund out of Court, on the behalf of an individual become entitled to the principal: Thurlow said, 'How, Sir, do I know that the tenant for life is dead?' The attorney said, 'I can assure your Lordship that he is dead.' 'I shall not,' says Thurlow, 'take your assurance as worth anything. Make an affidavit.' The attorney made an affidavit, swearing that the person named in it was dead. 'Well,' says Thurlow, 'and what do you expect from such an affidavit? How do I know that the man named in the affidavit and the man who received the interest was the same person?' The attorney said, 'Then I suppose that I must make an affidavit of that also; but surely I am treated with a degree of suspicion and harshness that I do not deserve. I'll make the affidavit — but your Lordship will allow me to say that any other Judge would not have required it. I know, I must know, the man is dead: I was at his funeral.' 'So you might be,' says Thurlow; 'but how does that prove that the man who received the interest, and the man whose funeral you attended, was the same person?' 'My Lord, hear me — the man who received the interest, and whose funeral I attended, was my client.' 'Why, Sir,' said Thurlow, 'did you not mention that at first? A great deal of

time and trouble might have been saved. That he was your client is some evidence that he may be dead; nothing was so likely to kill him.'"

Although the Ministers had hitherto met with no formidable hindrance in the conduct of their Parliamentary business, they were not insensible to the consideration, that a House of Commons, elected during the administration of their predecessors, was very likely to desert them on the appearance of any serious difficulties at Court or elsewhere. This apprehension may probably have derived additional force from the loss sustained by their Cabinet in the person of Mr. Fox, who died on the 13th of September 1806. Under all circumstances, therefore, they resolved to convene a new Parliament; and the dissolution, which was proclaimed on the 24th of October, was followed by the election of a large majority in the House of Commons, devoted to their interests.

The prospects of Lord Eldon, and the other survivors of Mr. Pitt's Cabinet, were now overcast by a gloom, through which a favourable change, though really at no great distance, was scarcely to be descried by any human foresight; and, as is common in an unprosperous cause, the losing parties were much inclined to charge the blame upon one another. Thus it happened that Mr. Canning, whose disposition to "advance with the times" was uncongenial to the more cautious temper of several of his political allies, became unfortunately an object of some suspicion and dislike with Lord Eldon; and this feeling, though never pushed to any downright personal quarrel, appears to have afterwards become a mutual and a lasting one. The following letter, in which Mr. Can-

ning and Lord Grenville are designated only by their initials, has no date of year or month, but appears from its contents to have been written very shortly after the dissolution had been proclaimed.

Lord Eldon to Sir William Scott.

"Monday.

"I am not the least surprised at what you say about C. I have for some time thought that much less than a dissolution would serve him as a cause of separation, and I suspect that Lord G. has known him so well, as, by flattering his vanity on the one hand, by making him the person of consequence to be talked with, and alarming that vanity on the other by disclaiming intercourse through any body, with the Pittites as a body, to make him the instrument of shaking, among the Pittites, that mutual confidence which was essential to give them weight, and thus to keep them in the state of a rope of sand till a dissolution, when he won't care one fig for them all put together. The King's conduct does not astonish me, though I think it has destroyed him. His language to me led me to hope better things; and, in charity, I would suppose from it, that his heart does not go with his act. But his years, his want of sight, the domestic falsehood and treachery which surround him, and some feeling (just enough, I think,) of resentment at our having deserted him on Mr. Pitt's death, and, as to myself particularly, the uneasiness, which, in his mind, the presence of a person who attended him in two fits of insanity excites, have conspired to make him do an act unjust to himself. I consider it as a fatal and final blow to the hopes of many, who have every good wish of mine. As to myself personally, looking at matters on all sides, I think the Chancellorship would never revert to me, even if things had taken another turn, and it is not on my own account I lament the turn they have taken. As to any other office, I could have no motive, on my own account, to wish for any, and, with a disposition to co-operate for the good of others who have public objects, I have only to pray God to continue to me, if it be His pleasure, the

other sources of happiness of a private kind. I have had a letter from Lord Redesdale, also very dismal, and, in its contents about the Prince, like yours. The Duke of Cumberland sent me a military express to inform me of the dissolution.

"Ever yours affectionately,

"ELDON."

Meanwhile the King, though certainly not very cordially disposed to his Ministers, appears to have abstained, with perfect fairness, from any political intercourse with their opponents.

The Duke of Portland to Lord Eldon. — (Extract.)

"Bulstrode, Nov. 24th, 1806.

"I will add little to the length of this letter, except to contradict the rumours you have heard of any intimation having been made to me, either directly or indirectly, of H. M.'s sentiments upon any political subject whatever. H. M. was pleased to come to this place on the Saturday before the dissolution of Parliament, accompanied only by the Queen and Princesses, and the Dukes of York and Cambridge; but not a syllable, or even allusion, to the present state of things, or to the event then impending (with which, however, I have some reason to think he was at that time unacquainted,) except, if it can bear such an interpretation, his repeatedly, for three or four times, expressing his regret at having a good memory, and lamenting it as a serious misfortune. Believe me, my dearest Lord, nothing can relieve my mind so much as unburthening it to you in the present crisis. The friendship I have for so many years experienced for you, teaches me to believe that I cannot use any argument so likely to induce you to gratify my wishes. I therefore conclude, with the most cordial assurances of regard and attachment,

"Your Lordship's most faithfully ever,

"PORTLAND."

The Session of Parliament opened on the 15th of December, and such was the state of public affairs, especially in reference to the failure of the negotiation for peace with France, and to the progress of the war, that it was not thought expedient to adjourn for the usual recess at Christmas. In the beginning of the new year, 1807, the whole question of the negotiation, and of the war, was brought by Ministers before both Houses of Parliament, on motions for addresses to the Crown. The address of the Lords was moved by Lord Grenville on the 2nd of January: and of the debate on this motion, a lively description remains, in a letter written the following day by Lord Eldon to his brother, Sir William:—

"Dear Brother, "Jan. 3rd, 1807.

"I learnt in the debate last night, that the treaty with America was signed — and, as rumour represented the matter, that we had, in some colourable way, given up the question about neutrals carrying colonial produce. Alas, poor Britain! times were, when we should have said, 'If your Non-Importation Act is to exist as a threat, negotiation cannot, consistently with our honour, go on whilst it exists: repeal it before we treat;' — but we have submitted, with that rod over our heads, it seems, to give up what we have *manibus pedibusque* maintained for so many years, and at so great a price.

"Our proceedings of last night, and relative to last night, were curious indeed. At Castlereagh's last Monday, Canning, and Perceval, and myself, dined, to talk over the negotiation papers — Hawkesbury sent an excuse, and mentioned in it that he should attend the Lords to state his ideas upon *Peace and War*. The Duke of Portland came to town and attended yesterday, as he said he thought no man ought to be absent when countenance was to be given to the prosecution of the war. He showed me a letter from Lord Camden,

in which he said that Hawkesbury had stated to him that there would be a thin attendance, that it had better be so; and Camden added, that, for that reason, and because there was no plan, he was gone out of town; so was Chatham, Westmoreland, &c. &c.: and when we got to the Lords, the attendance was thin, sure enough, on both sides. On ours, nobody but Cumberland, Portland, self, Hawkesbury, Dynevor, Redesdale, and one or two more; the throne crowded with Members of Commons to hear the debate. Grenville began it: after him Hawkesbury got up and made a speech upon peace and war; dropped a few slurs upon the negotiation, and sat down; then, *eo instanti*, jogging me to speak, which I declined. Sidmouth got up then: and, among other topics, insisted that no man could have an understanding so perverse as not to agree that it appeared from the papers, that the offer of the *uti possidetis* originated the negotiation.

* * * * * *

"Perceval, on the throne, communicated to me the * ——— and discountenance, with which they must begin in the Commons on Monday, if, with only Hawkesbury's speech, which had hardly anything to do with the subject, and these high-flying assertions of Sidmouth's in the Lords, they were to take the matter up in the Commons. The Lords' House was half full of the Commons at this moment. Out of regard to him, and really stung with the bold effrontery of Sidmouth, I got up — asserted the duty of every man to concur in a vigorous prosecution of the war; that I was sorry anything had been said about the papers proving that the *uti possidetis* had been offered to us; that, in the proposed address, there was nothing that pledged us on that; that I could have wished, if we could not agree on that, the subject had been, as it well might have been, reserved for separate consideration on a separate motion some other night; but that it was impossible, after the bold assertions that had been thrown out, and considering the sacred nature of a King's declaration, not to go the length of saying that one deeply lamented that the King's declaration contained an assertion about the *uti possi-*

* The next words are torn away with the seal.

detis, which not only was not proved by the papers, but was disproved by the papers; and that it was inexcusable to assert this, without establishing, by reasoning on the papers, the truth of the assertion. I then went through them. As the argument consisted of what they were pleased to call 'twisting all the papers,' there can be no report of it, representing it intelligibly. I am sure I proved my point. Grenville, I observed, would not let any body attempt the answer but himself, and he answered it by saying (or that was the amount of it), that Lord Yarmouth, if he had not in the papers asserted plainly, *now* asserted plainly, and ought to be believed. Perceval and Castlereagh departed well content, and ready for the House on Monday; I am sure a great deal might have been made of the folly displayed in this negotiation; but neither of this nor anything else will anything be made, as men act at present.

"Yours ever,

"E."

The result of the general election had naturally dispirited the Opposition. Some of them went so far as to profess their opinion that the dissolution of Parliament had put an end to all hope of better days. There had been, however, a good deal of dissatisfaction among the people, at the coalition of the Grenville party with the Whigs; and Lord Eldon, who had a rooted dislike of such conjunctions, was anxious that his political allies should make a rally on that popular ground. He felt that his own exertions were marred by their despondency; and seems to have disclosed his dissatisfaction to the Marchioness of Abercorn, in a conversation, which, having been reported by her Ladyship in her correspondence with Lord Melville, led to the interchange of the following letters between him and Lord Eldon.

Lord Eldon to Lord Melville. — (Extracts.)

"My dear Lord, "January, 1807.

"Sir William Grant, with your permission, put into my hands a copy of your letter to your son, Mr. Dundas, and I have had a communication with Lady A., who, I find, had named me in her correspondence with your Lordship. In what terms Lady A. represented to you the tenor of my conversation with her, I don't know; but, to the best of my recollection, that conversation, on my part, was not expressive of any complaint (for circumstances would not justify me in making complaint), but expressive of concern. The weight, which I know from long experience is due to your opinions, made me feel certainly most strongly what would be, and must be, the effect of your sentiments (of which I had occasionally heard) as to the consequences of the dissolution."

Lord Eldon then intimates his own opinion, that the dissolution was not likely to have such effects as would justify the despondency then prevalent, and proceeds thus: —

"I had also, for twelve months past, observed, not without grief, that all my exhortations to plan, to union, to system, had been thrown away upon every body here. If they had not, I think I should at this moment have seen a very different state of things.

* * * * * *

"I certainly did express strongly, at the Priory, my fears that the opinion expressed by your Lordship (to which so much respect would be paid because it was due to it) upon this measure, would greatly augment the panic that existed, whilst it did not appear to me that it could do any good.

* * * * * *

"Upon the matter of fact (what this dissolution does prove as to the mind or intention of *any body* concerned in it*), we may live to converse together; but whatever my belief of

* In allusion to the King.

the actual mind and intention of any person concerned in it may be, though you know I am no politician, I should be deservedly thought an idiot, if I did not feel with what universality it will be deemed to import that mind and intention which you think it imports, and how impossible it is to give weight, generally, to any grounds of belief to the contrary, unless they are furnished by acts or declarations, for which it cannot be reasonable to look. That mischief, great mischief, has been done, let the truth of the case be what it may be, cannot be doubted. My poor opinion is, that it will be augmented, and unnecessarily, if we act upon the supposition that it will not bear dispute what the truth of the case is.

"You have known me since the year of 1783, fighting by the side of that illustrious man, Mr. Pitt, now no more, in every moment of the years which have since glided away — save in that period in which I may, I think, say that, with his permission and at his request, I took the seals. According to my humble powers I fought by his side, because I sincerely wished well to his principles. There was one act in which, if he ever did me the honour to name me in his conversation with your Lordship, you know I could not go along with him. I mean his proposition, when he last came into office, to call into the King's councils Mr. Fox. I told him at that time that, if that measure took effect, I should support him, Mr. Pitt, — as a private individual, but not in office, — that I thought it my duty to him to give him a proof, by retiring from office, of the sincerity of my opinion that this measure could not be advisable; because, if abstract reasoning could be found to prove it to be so, I was convinced that, in fact, the measure would destroy the utility of his character, the most precious possession of this country; and that I should live to see the day when it would be more than difficult to blame the effect of connections against him, if he was living, or against his memory, if he was dead, and more than difficult to blame them effectually, because it would be urged that he had wished and offered to form similar connections. Personal animosity against Mr. Fox I had none, nor against any other man; and though I have had the honour of having credit given me for intrigue, — now my political life is probably

over, I cannot plead guilty to the charge of having been a political intriguer, unless I have been such because I uniformly gave that illustrious man the advice which a pure and disinterested regard for him made it my duty to give him. I told him at that day, in effect, that much as I loved him, I had rather see Mr. Fox sole minister, than Mr. Pitt the minister with him, unless he could find the means of persuading the world, which no man ever yet found in such circumstances, that he had not changed his principles. I have lived, my Lord, to the day to which I then looked forward; and I do believe that much, very much, of what I see at this day, reprehensible, grossly reprehensible as it is, stands unreprehended from a pious fear that the transactions of those days to which I have been alluding should be cited to justify much of what we see, — and, when the grave shuts up all power of explanation, may be cited to the prejudice of the memory of that illustrious character, which is, indeed, a sacred deposit, which his country is bound to cherish, and his chosen surviving friends to protect."

After stating that he had thought it his duty to be at his post throughout the preceding session, in the hope that others might also attend, consult, and co-operate, which they however had failed to do, he adds, —

"Notwithstanding my lectures were so utterly disregarded last session upon this head, I thought I perceived somewhat of a disposition to believe *now*, that general understanding was advisable, and that the necessity of it could be better enforced by a little conversation, than by a great deal of correspondence."

He concludes this long letter thus, —

"If a determination should be soon taken to come to some communication upon the important points to which we have been alluding, that communication can alone enable me to judge, as it seems to me, whether so much of practical good, (acting upon the principles which have governed my former

life) can be attained, as makes it a duty to co-operate with those who are seeking to attain it. If it be a duty, all that I can contribute to the attainment of it, I shall cheerfully contribute. If, unhappily, there should be any irreconcileable difference of opinion, I can retire; but some intelligible proceeding must be had, and soon. For more particular discussion I shall reserve myself till I see you. My compliments attend Lady M.

"Believe me, my dear Lord, very truly yours,

"ELDON."

As a composition, this letter, no doubt, is very defective; but the diffuseness and intricacy of its style are amply compensated by the good sense and manliness of its spirit,—a spirit justified too, as it speedily was, by the return of that better fortune, which, in politics as in war, is apt to favour the brave. Lord Melville answers thus:—

Lord Melville to Lord Eldon.

"My dear Lord, "Duneira, January 29th, 1807.

"I yesterday received your letter, and of course the material parts of it are much better subjects for personal discussion, than a letter. And as I had occasion within these few days to write an account of my general sentiments, and of my intended motions southwards, to Mr. Perceval, it is the less necessary to trouble your Lordship with a repetition of them. I take it for granted your Lordship is in confidential communication with him, and he has probably shown to you what I have recently written to him. You allude to one topic in which I am afraid I can scarcely agree with you. There were two periods when Mr. Pitt wished to have broke down the great phalanx of opposition which was forming, and afterwards *formed*, to storm the Closet of the King. The first was when Mr. Addington was at the head of Government, and when all that Mr. Pitt stipulated as the conditions of his return to power was the liberty of proposing his two former colleagues, Lords Spencer and Grenville, to the King, to

return to office. You know how that broke off. The other period was, when he came last to the head of the Government. When he made up his mind to that proposition, I was in Scotland, where he wrote to me fully, and in detailed explanation of his motives for it. He thought the times (especially on the Continent) were critical beyond expression; and that it would be impossible to accomplish any thing with effect, unless it was possible for two or three years to respite all faction and opposition at home. Recollecting the effects such a coalition had upon the character of Lord North, and sincerely anxious at all times for the purity of Mr. Pitt's fame, I at first shuddered at the proposition; but I own the strength of his reasoning got the better of my sentiments, and often as I have since thought of it, I have always considered it as a proof both of his wisdom and magnanimity. Personal resentments he never entertained against any person; all his antipathies, when they at any time existed, were of a public nature. When I saw Mr. Pitt at Bath, a short time before his death, he informed me of the advice, to the same effect, he had given to the King at Weymouth, and then told me that one of the reasons which induced him to urge his Majesty on the subject, was his own declining health, which he mentioned to the King; but the King's reply was of a nature which put an end to farther discussion. I was well aware of the state of his health, more perhaps than any other individual; for, more than two years before he died, and in the last interview I ever had with him, the day before he left Bath, and when from circumstances I am positive he was aware of his own situation, he emphatically said, that he wished the King might not live to repent, and sooner than he thought, the rejection of the advice he had pressed upon him at Weymouth. Such is the short history of those attempts he made to annihilate (at least for a while) any strong faction in the country. I know it has been often stated, what you hint at, that Mr. Fox &c. were thereby whitewashed. That is really a mis-statement of the case. If his attempts had been successful at any of the times to which I allude, both Lord Grenville and Mr. Fox would have been *under the controul of Mr. Pitt as the head of Government;*

and if, at any time, either the one or other had attempted any thing wrong, *he*, possessing the complete confidence of the King, and disposed at all times to protect him, could, without difficulty, have got rid of them, and always, while *he* lived, modelled the government as he pleased, and to act upon his own principles. Compare that state of the King and the country, with the state of both now, and then judge of the wisdom and rectitude of Mr. Pitt's views. But perhaps I have entered too much into a discussion of a situation and of times now gone by.

Till I am in London and know, as far as possible, the state of the King's dispositions in the first place, and of some considerable individuals in the second, it is impossible for me to form even a conjecture, how far any practical remedy can be applied to the existing evils. I will not detain you longer than to assure you that I remain, my dear Lord Eldon, with the most perfect regard,

"Yours truly and sincerely,

"MELVILLE."

The bill for the abolition of the slave trade was among the most important measures of this session. It was originated in the House of Lords, where Lord Grenville introduced it on the 2d of January 1807. On that occasion Lord Eldon intimated his opinion, that even on the coast of Africa, to which the operation of this bill was confined, the slave trade could not be abolished, unless other powers should concur in the measures which the British Government might adopt. On the 4th of February a further discussion arose, respecting the question whether the counsel, who had been heard for the merchants of Liverpool against the bill, should be permitted to examine witnesses at the Bar of the House of Lords before the second reading.

Lord Eldon gave it as his opinion, that the examination of

witnesses was not necessary for the present; but desired not to be precluded from voting for the admission of evidence in a future stage. He feared that the measure now proposed, while it would utterly destroy the British interests involved in the trade, would not diminish the transport of negroes, or effect the preservation of one single individual. But if a change of national policy on this subject should be resolved on, he hoped that due compensation would be assigned. The extent of the interests to be then compensated could be ascertained only by the examination of witnesses.

The circumspection and caution of Lord Eldon upon this subject were represented by his political opponents, as betokening a disposition adverse to freedom as well as to reform. But the ground of his resistance, as he distinctly declared, was no reluctance to redress any oppression or grievance, but a persuasion that the cause of justice and humanity would gain nothing by the abolition as then proposed. The results have but too amply fulfilled his forebodings. For want of the requisite concurrence on the part of foreign states, the total of suffering endured by the African race, instead of having been diminished, has been frightfully augmented. Manifold are the difficulties which start up, and infinite is the caution which must be employed, in attempting the cure of any abuse wherein trading interests are extensively involved. It may have been fitting that, even at all hazards of exposing the Africans to increased suffering from the more merciless cupidity of foreign adventurers, England should relieve herself from the crime of continuing the slave trade; but justice should be done to the practical humanity of those who desired only, before they ventured upon extensive changes, to

make sure that the old mischief would not be reproduced in a new and more virulent shape.

During the summer of the preceding year, the ministers had been much occupied with an investigation into the behaviour of Caroline, Princess of Wales. Certain charges against her had been laid by her Consort before his Majesty, who appointed four members of the Cabinet, Lord Chancellor Erskine, Earl Spencer, and the Lords Grenville and Ellenborough, Commissioners for inquiring into the matters alleged. As these noblemen belonged to the party called "The Prince's friends," the accused Princess not unnaturally threw herself upon the advice of their political opponents, among whom Lord Eldon and Mr. Perceval were her chief counsellors. Her Royal Highness's letters to Lord Eldon on this subject succeed each other rapidly, from June 1806 to the end of that year. A few of them only have sufficient interest for insertion here.

The Princess of Wales to Lord Eldon.—Extract.

"My dear Sir,* "Blackheath, June 24th, 1806.

"I must mention to your Lordship that the two letters from Lady Douglas to Mrs. Fitz Gerald, which your Lordship saw on the occasion, never to enter again to my house, (which would have been very great proofs against Lady Douglas, and show her true character,) have been taken out of my drawers, in which all the papers were, and upon each was written what were the contents of each different parcel. Yesterday, to my greatest astonishment, I missed that parcel. Every search in the world has been made, in case my bad memory had led me to put it in some other place; but I have not succeeded to find them, and am led to believe, that the same person, who was able to take a hundred pound from

* Sic in orig.

Carlton House, could easily take this parcel, which was so great a proof *against* Lady Douglas's character. No step has been taken by me to find out if he is the guilty one. In case you wish to see me, I shall be very happy to receive you to-morrow, or on Thursday morning, at any hour, and I beg and entreat of your Lordship, to take it well into consideration, that it is quite impossible for me to remain any longer silent upon this subject, in which my honour is so much implicated, and which is so much the talk of the public at this moment, that I hope your Lordship will take it in the most serious light, and to take some step which will lead to any conclusion, whatever it may be. My health, as well as my spirits, suffer too much to be left any longer in suspense; and you, who have always shown yourself as a sincere friend of me, will feel as I do upon this subject. I remain for ever, with the truest sentiments of high regard, esteem, and friendship,

"Your Lordship's sincere Friend."

(No name subscribed.)

The Commissioners made a report, fully acquitting the Princess on the main charge, which was that of having given birth to a child in 1802, but adding, "that evidence had been laid before them of other "particulars respecting the conduct of Her Royal "Highness, such as must, especially considering her "exalted rank and station, necessarily give occasion "to very unfavourable interpretations." This report was dated the 14th of July 1806. The unhappy lady, who was the subject of it, seems not to have been regularly apprised of its contents until the 11th of August, when a copy of it was sent to her by Lord Erskine. Meanwhile, on the 25th of July, she wrote as follows to Lord Eldon:

"Blackheath, July 25th, 1806.

"The Princess of Wales intreats and desires Lord Eldon to go as to-morrow to Windsor, and to ask an audience of

his Majesty, and to deliver to his Majesty the inclosed letter.* The Princess is under very great apprehension, that the report made from the examination, to his Majesty, has not been fairly and literally delivered to his Majesty. She wishes for that reason that Lord Eldon should verbally explain and open his eyes on the unjust and unloyal proceedings of his Ministers. The Princess cannot help thinking that his Majesty has been led into error, otherwise he would have by this time shown his usual generosity and justice, by declaring the Princess's innocence. The Princess is quite resigned to her cruel fate, from the period that her honour was in the hands of a pack of ruffians, and who are only devoted, and slaves, to her most inveterate enemy. The Princess hopes that on Sunday Lord Eldon will be able to give her a satisfactory account of the reception he received of his Majesty, and the Princess has been now for seven weeks in the most dreadful and tormenting suspense. The Princess will be very much obliged if Lord Eldon will do her the favour of losing no time for setting off for Windsor and of seeing the King. The Princess sends to his Lordship the letter to the King for his perusal. If he should wish to alter any part in the letter, the Princess desires that Lord Eldon would mark it down and send it back; the Princess would in less than an hour send it to him again.

"The Princess remains, with the highest esteem and regard, his Lordship's most

"Sincere Friend,
"C. P."

Having obtained a copy of the report on the 11th of August, the Princess addressed, on the 12th, a letter to the King, solemnly protesting her innocence of the levities which the report imputed to her, and praying to be re-admitted into his Majesty's presence. Again in the same month, and yet again in the beginning of October, she renewed her representations to the King by letter; but so far without success: though

* Probably an application for a speedy decision.

in the course of that autumn she received, from several members of the Royal Family, some civilities which warrant the belief, that whatever might be the opinion of the Ministers, the King was disposed to take a favourable view of her case.

The Princess of Wales to Lord Eldon.

"Blackheath, Oct. 13th, 1806.

"The Princess of Wales, with the most grateful sense, is most sincerely obliged to Lord Eldon for his kind inquiry through Lady Sheffield.

"Her body as well as her mind have naturally much suffered from the last melancholy catastrophe, having lost in so short a time, and so unexpectedly, a most kind and affectionate brother and a sincere friend. The afflictions which Providence has sent so recently to her are very severe trials of patience and resignation, and nothing than strong feelings of religion and piety could with any sort of fortitude carry the Princess's dejected mind through this. She puts her only trust in Providence, which has so kindly protected her in various ways since she is in this kingdom.

"The Princess also has the pleasure to inform his Lordship that the Queen has twice made inquiry, by Lady Ilchester, through Lady Sheffield, about the Princess's bodily and mental state. The Duchess of York, through her Lady to Lady Sheffield, and the Duke of Cambridge in the same way, made their inquiries. The Duke of Kent wrote himself to the Princess, which of course she answered herself. The Duke of Cumberland, who has twice been with the Princess after the melancholy event took place, desired her to announce, herself, to his Majesty the unexpected event of the death of the Prince Hereditary of Brunswick. She followed his advice, and the letter was sent through Lady Sheffield to Colonel Taylor. The answer was kind from his Majesty, and full of feeling of interest for the severe loss she sustained in her brother. Lady Sheffield's health did not allow her to stay longer with the Princess. Mrs. Vernon, one of her Ladies, is now at Montague House, in case his Lordship wished to write by her to the Princess.

"The Princess trusts that soon she will have comfortable and pleasing tidings to relate to Lord Eldon. She has, till that moment, nothing further to inform him of, than to repeat her sentiments of high regard, esteem, and gratitude, with which she remains for ever,

"His Lordship's most sincere friend,—C. P."

The Princess of Wales to Lord Eldon.

"Blackheath, Nov. 16th, 1806.

"The Princess of Wales makes her apology to Lord Eldon for her unfortunate mistake. The letter which was intended for his Lordship is gone to Altona to the Duke of Brunswick. The contents of the letter consisted in desiring his Lordship to agree to the request of the Princess to discharge the three traducers and slanderers of her honour from her household, of which some are even yet under the Princess's own roof at this present moment. The Princess, by not having yet discharged them, is liable to receive great affronts from them, which Mr. Bidgood* has tried in all means by hurting the Princess's feelings. The pew at church, which is only appropriated for the Princess's servants, is close to her own at Greenwich, where she constantly goes, if not illness prevents her. Mr. Bidgood shows himself there every time, and even had not the proper attention of appearing lately in mourning, which all the servants of the Princess are accustomed to be as long as their Royal Mistress is in deep mourning.

"The Princess begs Lord Eldon to take all these matters into consideration. Mr. Perceval, who is also informed on the same subject, is perhaps more able to explain the whole circumstance to his Lordship than the Princess can. The Princess flatters herself that his Lordship will do her the honour and pleasure to come on Tuesday at six o'clock to dinner to meet Sir William Scott."

It is obvious, from the idiom of these letters, that they are not of English authorship; and there seems no reason to doubt that they are the unassisted com-

* One of her upper servants, who had made statements to her prejudice before the Commissioners.

positions of the Princess herself. Though they disclose no new facts of importance, they have a certain interest, as reflecting the earlier feelings of one whose sufferings and whose faults came afterwards to engross so large a space in the eyes of the British people. She made another remonstrance to the King in December, intimating that unless she were relieved from further suspense her case must be laid before the public. This hint, coupled probably with an inclination on the King's part to comply with her request, had its effect upon the Ministers; and toward the end of January 1807, a message from the King was transmitted to her by Lord Chancellor Erskine, acquainting her that his Majesty was advised it was no longer necessary for him to decline receiving her into the Royal presence. The Prince of Wales, however, interposed to suspend this restoration; and the Princess then, by a letter to the King, announced, that the publication of the proceedings on the inquiry would not be delayed beyond a specified day. But before that day arrived, a change took place in his Majesty's councils: the King, on the advice of the new Ministers, re-admitted her into his presence; and this direct recognition of her innocence having superseded the necessity of an appeal to general opinion, Lord Eldon and Mr. Perceval, who had always felt that the publication of matter so objectionable in its nature could have been justified only by extreme exigency, concurred in counselling its suppression, to the great disappointment of the vulgar appetite for scandal, which revenged itself by the imputation that their advocacy of the Princess's cause had been a mere hollow manœuvre of party.

CHAPTER XXIV.

1807.

DISMISSAL OF THE WHIG MINISTRY: LETTERS FROM LORD ELDON TO SIR WILLIAM SCOTT AND DR. RIDLEY. — TRANSFER OF GREAT SEAL FROM LORD ERSKINE TO LORD ELDON. — LETTER FROM LORD ELDON TO DR. SWIRE. — COMPOSITION OF THE NEW MINISTRY. — LORD ELDON CHARGED AS THE KING'S SECRET ADVISER IN THE CHANGE OF MINISTERS: HIS REFUTATION OF THAT CHARGE. — DISSOLUTION OF PARLIAMENT: KING'S SPEECH.

THE month of March 1807 had scarcely begun, when those extraordinary circumstances arose, which suddenly removed the Whigs from office, and operated to continue their exclusion for almost a quarter of a century. A misunderstanding having arisen between the King and the Ministers, with respect to certain relaxations in favour of Roman Catholic officers of the army and navy, inserted in a Bill which had been introduced into the House of Commons on the 5th of March, the Ministers, to quiet the uneasiness of his Majesty, offered to withdraw the Bill altogether for the present, without prejudice to their right of openly avowing their own opinions, and of thereafter submitting to him, from time to time, for his decision, such measures on this subject as they might think advisable. But the King had now taken the alarm; and in order to protect himself against the possible recurrence of this difficulty, he required a written declaration, that Ministers would propose no further concessions to the Roman Catholics. They thought

it inconsistent with their duty to give such a pledge; and, on their refusal, the King communicated to them, as Lord Howick* expressed it, "his intention to look out for other Ministers." That intention his Majesty forthwith executed; and the Tories were recalled to the Government, with the Duke of Portland as their nominal head.

The following letter gives some insight into the movements which attended the formation of the new ministry: —

Lord Eldon to Sir William Scott.

"Dear Brother, "March 31st, 1807.

"Let me first mention, after saying how happy I am by the better accounts we have of poor Bab†, that I left, as I told you I would, some time ago, an order at Child's, to pay any drafts of yours for money, not exceeding 100*l.* in one year, that you might not have the trouble of speaking or writing to me when you had a wish of making a remittance to her. I have no doubt they have not forgot that order, but I shall renew it again to-day, and then you may have the money when you please.

"I am most sincerely hurt that Lord Sidmouth is not among us. My earnest wish and entreaty has been, that he should — and many others have wished it — but it has been urged by some, that, at this moment, it cannot be; that not an individual connected with Lord Melville would join or support, if it was so; that a large part of Mr. Pitt's friends would secede; that among Lord Grenville's majority there are persons not adverse, and likely enough to be friendly, who are so desperately angry at Lord S., that, with him in Administration, they would be against it to a man; that Canning declines office if Lord S. was to have office now, but would not object a few months hence; and all the Pittites, who talk to me, hold themselves bound, by their view of past transactions, not to desert Canning in a question between him

* Mr. Grey had become Lord Howick, his father having been advanced to an Earldom.

† Their sister Barbara.

and Lord S. Note, the language which those two have held respecting each other has done infinite mischief. And finally, to make bad worse, (with a determination formed, as I understood, to offer a continuance of their situations to Bragge, Bond, &c. &c. of Addington's friends, as laying the foundation of their future junction with himself,) about the very moment that it was formed, they sent resignations — a step, which has had a very bad effect. In short, it's a sickening scene that's passing; but I can present it to you more conveniently in conversation than correspondence. When do you return to town? I have written to Sir W. Wynne. I take the Great Seal again to-morrow, if it pleases God. The 1st of April is an ominous day. It will not be in my possession a month, if there is not a dissolution. On my own personal account, I have no wish about it — much less than I thought I should have had. Pray let me know when you come to town, as I shall be very anxious to see you as soon as you do come. Give me therefore a little previous notice, that I may be ready for you.

"Yours affectionately,

"ELDON."

Lord Eldon to the Rev. Dr. Ridley.

"Dear Ridley, "March 31st, 1807.

"I thank you for your kind and affectionate letter. The occurrence of again taking the Great Seal, Harry, gives me but one sentiment of comfort, — that it is possible I may be of use to others. The death of my friend Mr. Pitt, the loss of my poor dear John, the anguish of mind in which I have been, and ever must be, when that loss occurs to me, — these have extinguished all ambition, and almost every wish of every kind in my breast. I had become inured to, and fond of, retirement. My mind had been busied in the contemplation of my best interests, — those which are connected with nothing here.

* * * * * *

"To me, therefore, the change is no joy: I write that from my heart. But I cannot disobey my old and gracious Master, struggling for the established religion of my country; and I hope all good men will join in our efforts, and pray for the

peace of Jerusalem. But all good men must join in his support, or he and our establishments will fall together.

"Pray give the love of us all to Fanny and my niece, and believe me,

"Faithfully yours,

"ELDON."

"I am to receive the Great Seal to-morrow. Whether party will allow me to keep it a fortnight, I know not. On my own account I care not."

* * * * * * *

It appears from these letters, that the 1st of April was the day fixed for the re-transfer of the Great Seal to Lord Eldon. Lord Howick had stated in the House of Commons, on the 26th of March, that the preceding day, the 25th, was that on which the Ministers in general had delivered up the seals of office. The reason why the Great Seal was not given back to the King at the same time with the other seals, was, that there were some cases heard by Lord Erskine in Chancery, on which it was thought desirable that he should complete and deliver his judgments; and, in order that he might be able to do this in regular form, and with binding effect, he was requested by the King to retain the Great Seal till the end of the month.

The writer of this Memoir has heard Lord Erskine relate, with his characteristic spirit and pleasantry, the circumstances of the surrender by his colleagues on the 25th of March. "I was last," said he. "When I received the King's command to retain the Seals a few days longer, the others had left the presence, and were waiting in an ante-chamber for their carriages, and when I walked out among them with the seals still in my hand, you can't imagine the asto-

nishment that showed itself in their faces, to see me come forth unhurt, like Daniel from the lions' den!"

Lord Erskine completed his duties in the Court of Chancery on the 1st of April; and on the same day the Great Seal was delivered to Lord Eldon, who took his seat that afternoon on the Woolsack.

There are but few materials for estimating the judicial merits of Lord Erskine. In truth, his celebrity does not so naturally connect itself with the Equity Bench as with the Common Law Bar. When he came to the Court of Chancery, he had not been very conversant with those particular departments of legal learning, through which the science of equity is most easily approached; and he remained not long enough in that Court to become familiar with all its principles. His decisions, therefore, are perhaps of less authority than those of some judges, much his inferiors both in strength of understanding and in reach of thought, but more versed in the doctrine and practice of equitable jurisprudence. His fame, however, may well afford to waive any claim upon the short annals of his Chancellorship. For more than a quarter of a century he had been the foremost advocate in those courts which hold supreme jurisdiction of liberty and life; and the record which his corrected speeches have preserved of him, such as then he was, will best enable his successors and his country to appreciate, however hopeless it may be to equal, his earnest and brilliant eloquence, his logical reasoning, his exquisite tact, his instinctive quickness, his attaching courtesy, and his indomitable courage.

Lord Eldon to the Rev. Samuel Swire, D.D.

(Not dated; but endorsed, April 2nd, 1807.)

"My dear Swire,

"Whilst dreaming of a visit to you, I have awaked with the Great Seal in my hand, to my utter astonishment. But this attack upon the Establishment has brought forward on the part of the King, governed by his own determinations and without any assurance of support, a firmness which, I confess, astonishes me. The world should not have induced me to take the seal again, if his commands had been of such a nature as to leave me any choice; or the circumstances, which must inevitably lead to difficulties in Parliament, probably insuperable, and appeals to the people perhaps without sufficient effect, had not shamed me into decision, that this great and excellent man, for great as well as excellent he has now shown himself, shall not want the aid of every effort I can exert.

"He considers the struggle as for his throne; and he told me but yesterday, when I took the seal, that he did so consider it; that he must be the Protestant King of a Protestant Country, or no King. He is remarkably well — firm as a lion — placid and quiet, beyond example in any moment of his life. I am happy to add that, on this occasion, his son, the Prince, has appeared to behave very dutifully to him. Two or three great goods have been accomplished if his new Ministers can stand their ground. First, the old ones are satisfied that the King, whose state of mind they were always doubting, has more sense and understanding than all his Ministers put together: they leave him with a full conviction of that fact. Secondly, the nation has seen the inefficiency of 'all the talents,' and may perhaps therefore not injure us much by comparison. When he delivered the seal to me yesterday, he told me he wished and hoped I should keep it till he died. If we get over a few months we may support him. Lady Eldon, who is sadly hurt at this relapse into business, sends affectionate regards, with myself, to you, Mrs. Swire, and Mr. and Mrs. Hobson. Fanny's love.

"Ever yours (in haste) affectionately,

"ELDON."

The new Administration, when complete, in the month of April, stood as follows: — The Duke of Portland became successor to Lord Grenville, as first Lord of the Treasury; Lord Eldon to Lord Erskine, as Lord Chancellor; Earl Camden to Viscount Sidmouth, as President of the Council; the Earl of Westmoreland to Lord Holland, as Privy Seal; Lord Mulgrave to Mr. T. Grenville, as first Lord of the Admiralty; the Earl of Chatham to the Earl of Moira, as Master-General of the Ordnance; Lord Hawkesbury to Earl Spencer, as Home Secretary of State; Mr. Canning to Lord Howick, as Foreign Secretary; and Lord Castlereagh to Mr. Windham, as Secretary for War and Colonies: Mr. Perceval, who became Chancellor of the Exchequer in the room of Lord Henry Petty, was invested with the Leadership of the House of Commons; Earl Bathurst had a seat in the Cabinet as President of the Board of Trade; Mr. Huskisson became one of the Secretaries of the Treasury; and the Duke of Wellington, then Sir Arthur Wellesley, made his entrance into political life as Chief Secretary for Ireland.

The Whigs, who possessed a strong force in the House of Commons, and had still a considerable influence with a large constitutional body of the country, were by no means disposed to yield without a rally. It was determined, therefore, that the state of parties should be brought to the test by Mr. Brande in the House of Commons, and by the Marquis of Stafford in the House of Lords. Mr. Brande's motion, which was brought forward on the 9th of April, propounded a resolution, asserting it to be a breach of duty in a British ministry to pledge them-

selves, either expressly or by implication, against offering such advice to the Crown as the course of circumstances might render necessary. The seconder was Lord Melbourne, then the Honourable William Lamb. He had moved the address at the opening of the preceding Session, and already gave large earnest of the qualities which afterwards placed him at the head of the Whig Administrations of King William IV. and of Queen Victoria. Mr. Brande's motion was met by an amendment for proceeding to the other orders of the day; which amendment, however, was carried only by a majority of 258 against 226. In the course of the debate, Lord Howick had been pleased to say,

"Agreeing with his hon. friends, that there could consti-
"tutionally be no act of the Crown without a *responsible*
"*adviser*, he also concurred in the opinion that there had,
"on the recent occasion, been *secret advisers*, and much pains
"taken to poison the Royal mind. Indeed, he did happen to
"know that advice had been given; and this was a time in
"which he felt it to be his duty to speak out plainly. On
"the Saturday before the pledge was required, Lord Eldon
"had an audience of his Majesty. What passed at that
"interview, he did not pretend to state; *that* he would leave
"the House to conjecture. He must also observe, that
"before he had liberty to state that a new Administration was
"forming, Lord Eldon and Lord Hawkesbury had been sent
"for to Windsor. Lord Eldon and Lord Hawkesbury were
"then the responsible persons."*

This speech was answered by Mr. Secretary Canning, whose defence of Lord Eldon undoubtedly evinced no want of cordiality to his Colleague. He said:—

"The Noble Lord has chosen to insinuate that the King
"had in fact some secret adviser, and that the communication
"between his Majesty, and those who are now in his Coun-

* 9 Parl. Deb. 339.

"cils, began much earlier than we are willing to avow: and "he instances Lord Eldon's visit to Windsor (I think on the "Saturday se'nnight preceding the change), as a proof of "this secret communication. I would not accuse the Noble "Lord of wilful misrepresentation; but I must ask him "plainly, in the face of the House, does he not know what "was the cause of Lord. Eldon's visit to Windsor? Does "he, or does he not know, that previous to his going to "Windsor, Lord Eldon waited on Lord Grenville, and com-"municated to him distinctly the subject of his intended "interview with the King, adding, at the same time, a "solemn assurance that he would mention no other subject "to his Majesty? The Noble Lord may insinuate that Lord "Eldon did not keep his word. I believe he did; and at "least I may safely leave it to the House to determine, "whether the conduct of Lord Eldon, such as I have de-"scribed it, affords fair grounds for a presumption of insin-"cerity and falsehood? And I will add, Sir, that nothing "but the extreme delicacy of the subject itself, — upon which "alone Lord Eldon went, and upon which the Noble Lord "must know he went, to communicate with his Majesty, — "prevents me from satisfying the House, by a distinct dis-"closure of it, how very far removed it was from any thing "of a political nature."

Sir Samuel Romilly in his Diary* reports Lord Grey to have told him, that in the spring of 1813, the Chancellor, speaking on the subject of the Princess of Wales to Lord Grey, who was sitting by him on the Woolsack in the House of Lords, said, "I do assure you, — you "may believe it or not as you think proper, — but I do "assure you, that when I had the conference with the "King in 1807, which I requested, it was solely for the "purpose of representing to him what mischief might "follow, if Perceval was not prevented from publishing "the book which he was then bent on publishing."

Lord Eldon's Anecdote Book bears the following

* "Memoirs," vol. iii. p. 104.

testimony to the laudable reserve which the King maintained on the subject of the intended change, until he had signified his resolution to the then Ministers themselves*: —

"In order to disarm political jealousy I communicated to Lord Grenville, then Minister, that I was going to Windsor, and the nature of the business which led to my visiting his Majesty. It happened, unfortunately, about this time, that the Administration meditated a bill in Parliament which was favourable to the Roman Catholics, and that there was that misunderstanding in consequence of it, which led to the King's dismissing his Administration in 1807. When that event happened, which it did shortly after I had been at Windsor, many of the adherents of that Administration most virulently abused me, insinuating that I had, when at Windsor, advised his Majesty to change his Ministers; and some even expressed an hope, that on some future day, when another change might take place, I should be impeached. The fact, and the truth, is, that, notwithstanding what was then passing between the King and his Ministers, I was entirely ignorant of it before I went; I heard not a syllable respecting it whilst I was with the King; nor had I any information, respecting it, till I was afterwards commanded to attend his Majesty with Lord Liverpool, when he was pleased to inform us that he had changed his Administration, and stated to us the reasons, upon which he had acted; and I well remember his saying, that to me it must be matter of great surprise, having seen me so lately, and not a

* See the Duke of Portland's letter to Lord Eldon, November 24th, 1806.

word having then passed respecting it: which was the fact."

The Marquis of Stafford's motion, made in the House of Lords, on the 13th of the same April, differed from Mr. Brande's in this particular, that it prefaced its denunciation of restrictive pledges by an expression of the "deepest regret at the change which "had lately taken place in his Majesty's Councils," — "a regret greatly increased by the causes to which the "change had been ascribed." In the course of the debate, a good deal was said about the responsibility of those who had either advised the King beforehand to dismiss his late Ministers, or subsequently adopted that dismissal by taking their places.

The Lord Chancellor (who spoke last but one) insisted that the discussion had been wholly new, irregular, and unparliamentary. The insinuations, personally thrown out against himself, of having secretly advised his Majesty to dismiss his late Ministers, he should treat only with the contempt they deserved. He had stated to Lord Grenville the circumstances of the audience which he had had of his Majesty, and that Noble Lord, he trusted, was perfectly satisfied of his sincerity. His return to office had been accompanied with no pledge, except the uniform tenour of his public life; and no other had been asked by his Majesty.

The House divided, not upon the original motion, but upon a motion made by Lord Boringdon (at that time a supporter of Ministers) for an adjournment of the House, which was carried by a majority of 171 against 90.

Before the expiration of the month Lord Eldon, in pursuance of a contract of purchase made in the preceding October with Mr. William Morton Pitt, became the possessor of the Encombe estate, in Dorset-

shire, from which he afterwards took his title as Viscount. The property, comprising the manor and mansion of Encombe and about 2000 acres of land, was conveyed to him on the 25th of April 1807. The amount of the purchase-money was between 52,000*l.* and 53,000*l.* This estate lies on the sea-shore, at the south-eastern extremity of the county, in the district commonly called the Isle of Purbeck, which, however, is in reality only a peninsula.*

Encombe is situated in a very deep vale, that opens to the British Channel on the south, and is about a mile and a half south-west from Kingston. It seems to take its name from its situation on the extremity of this part of the island, *quasi*, End Comb, or from its situation in a comb or vale, *q. d.* In Comb. It is one of the best farms in the island, consisting of arable and pasture for sheep. The hilly part, as well as the vale, yields a greater plenty of grass and more beautiful verdure than is usually seen in the island; and, from its fertility, has been distinguished by the name of the Golden Bowl. It does not occur in Domesday book, being probably surveyed in Kingston, of which it is a member.†

According to Hutchins, Encombe, which had for nearly two centuries been the residence of the Culliford family, was purchased, about the year 1734, by Mrs. Lora Pitt, who then gave it to her second son, John Pitt, Esq. He soon pulled down the house, which was much in decay, and on the same site erected the present mansion, of Purbeck stone. The succeeding particulars are from the present Earl:

"It is curious that, in this purchase was included a portion of high ground already bearing the name of

* Hutchins's "History of Dorset," (1796,) vol. i. p. 274.

† Id. vol. i. p. 292.

its new possessor's title, and called, long before that title was created, by the designation of Eldon Hill.

"I have often been asked how Lord Eldon happened to purchase an estate and residence at a place which he was so little likely to have seen or heard of. It had been named to him by Mr. Farrer (father of J. W. Farrer, Esq. of Ingleborough), with whom Lord Eldon was early intimate, and to whose health its climate had proved highly beneficial, when he had been there in the time of Mr. Morton Pitt's possessing it. Lord Eldon used to tell me that its size and character suited well what he wanted, on ceasing to hold the Great Seal after his first Chancellorship.

"I have heard my grandfather and grandmother say that when they came to see Encombe for the first time, they thought, as they passed over some of the dreary and hilly roads which lead to it, they had acted upon a very unwise recommendation in travelling thither; but that when the fine sea view, which presents itself at the entrance of the valley, burst upon them, they ceased to entertain that opinion. This point of the quarry wood is perhaps the most striking feature of Encombe. The Chancellor would quote at this spot:—

> —— 'in reductâ valle mugientium
> Prospectat errantes greges.'*

"The farm of Renscombe, which includes the promontory called St. Aldhelm's, or more commonly St. Alban's Head, was not added to the Encombe estate, of which it now forms a part, until about 1811. On the headland stands an ancient chapel, built and vaulted with stone. It is dedicated to St. Aldhelm,

* Horace; Epod. ii. lines 13, 14.

first Bishop of Sherborne, and appears to have been a chantry, wherein masses were said for mariners wrecked on that dangerous shore. The cliff, at this place, is said to rise 440 feet perpendicular from the sea. In January 1811, when Renscombe farm was for sale, Lord Eldon offered a price which the vendor declined: it was then advertised as a charming residence near the sea: and this notice of it shortly caught the eye of Mr. Jenkins, a respectable and well-known London dancing-master of that time. He bought it at once, without ever seeing it; but when he and his family came in a postchaise to visit their new acquisition early in the summer, they found the place inaccessible to any such vehicle, save at the risk of their necks; and they were but too happy in being able to hand over to Lord Eldon their singularly unsuitable possession; which, however, they only did on receiving from him a larger sum than their purchase had cost them. So bleak is this farm, that stone walls, instead of hedge-rows, form its fences throughout. On its whole extent there are but some half dozen trees, and these few exist but by the shelter of a neighbouring plantation. Lord Eldon used to say that the clause, which the lease of this farm contained, in common with his other leases, restraining his tenant from cutting timber, was in this case a very superfluous precaution."

The dissolution of Parliament, which Lord Eldon in his letter to his brother, of the 31st of March, had stated to be indispensable for the stability of the new Government, was speedily resolved on by the Ministers; for which purpose, on the 27th of April, the Session was closed by Commission.

The Royal speech, delivered on this occasion by the Lord Chancellor in his Majesty's name, put the dissolution, most distinctly, on the ground of the attempt made by the Whigs in behalf of the Roman Catholics. The language of the speech was this:—

"His Majesty is anxious to recur to the sense of his people, "while the events which have recently taken place are yet "fresh in their recollection. His Majesty feels that, in "resorting to this measure, under the present circumstances, "he at once demonstrates, in the most unequivocal manner, "his own conscientious persuasion of the rectitude of those "motives upon which he has acted, and affords to his people "the best opportunity of testifying their determination to "support him in every exercise of the prerogatives of his "Crown, which is conformable to the sacred obligations "under which they are held, and conducive to the welfare of "his Kingdom, and to the security of the Constitution. His "Majesty directs us to express his entire conviction, that "after so long a reign, marked by a series of indulgences to "his Roman Catholic subjects, they, in common with every "other class of his people, must feel assured of his attach-"ment to the principles of a just and enlightened toleration, "and of his anxious desire to protect equally, and promote "impartially, the happiness of all descriptions of his subjects.

"My Lords and Gentlemen, his Majesty has directed us "most earnestly to recommend to you that you should culti-"vate, by all means in your power, a spirit of union, har-"mony, and good will, amongst all classes and descriptions "of his people. His Majesty trusts that the divisions na-"turally and unavoidably excited by the late unfortunate "and uncalled-for agitation of a question so interesting to the "feelings and opinions of his people, will speedily pass away; "and that the prevailing sense and determination of all his "subjects to exert their united efforts in the cause of their "country will enable his Majesty to conduct, to an honour-"able and secure termination, the great contest in which he "is engaged."

CHAPTER XXV.

1807.

KING'S SPEECH ON THE OPENING OF THE NEW PARLIAMENT. — DEBATES ON THE DISSOLUTION: RESPONSIBILITY OF NEW MINISTERS FOR THE DISMISSAL OF THEIR PREDECESSORS. — NATIONAL EDUCATION. — LETTER FROM LORD ELDON TO MR. FARRER ON A COURSE OF STUDY FOR THE BAR. — APPOINTMENT OF ACCOUNTANT-GENERAL.

THE new Parliament was convoked without delay; and, on the 26th of June, the Session was opened, by Commission, in a speech delivered by the Lord Chancellor, and beginning in these words: —

"We have it in command from his Majesty to state to "you, that having deemed it expedient to recur to the sense "of his people, his Majesty, in conformity to his declared in- "tention, has lost no time in causing the present Parliament "to be assembled. His Majesty has great satisfaction in "acquainting you, that, since the events which led to the "dissolution of the last Parliament, his Majesty has received, "in numerous addresses from his subjects, the warmest assur- "ances of their affectionate attachment to his Person and "Government, and of their firm resolution to support him in "maintaining the just rights of his Crown and the true prin- "ciples of the Constitution; and he commands us to express "his entire confidence that he shall experience, in all your "deliberations, a determination to afford him an equally "loyal, zealous, and affectionate support, under all the ardu- "ous circumstances of the present time."

The Earl of Mansfield having moved an address adopting the language of the speech,

An amendment was proposed by Earl Fortescue, complaining of "the manifest misconduct of Ministers, in having "advised the dissolution of the late Parliament, in its first "Session, and within a few months after it had been assembled." The amendment proceeded to deplore several of the results of the dissolution, and then submitted, that all these mischiefs were "greatly aggravated by the groundless and "injurious pretensions on which his Majesty's Ministers have "publicly rested their evil advices, — pretences affording no "justification for the measure, but calculated only to excite "the most dangerous animosities among his Majesty's faithful "subjects, at a period when their united efforts were more "than ever necessary for the security of the empire, and "when to promote the utmost harmony and co-operation "amongst them would have been the first object of faithful "and provident Ministers."

The Lord Chancellor, who rose after a speech from Lord Grenville, observed,

That whereas the communication from the Throne implied no censure on the late Ministry, the amendment went to stigmatise, in strong terms, the Ministry now in office. The late Ministry had resorted to a dissolution without assigning any reason in vindication of it; although in that case some special ground was the more requisite, because that dissolution took place after a proclamation had actually gone forth, requiring Parliament to meet, on a particular day, "for the despatch of business." With respect to this last appeal to the people, he only asked of the Noble Baron to treat it as he had treated the like measure in 1784, on Mr. Pitt's return to the Government.

It seemed to have been presumed, that because the present Ministers had accepted office, they must have advised the dismissal of their predecessors. If that conclusion had been a legitimate one, no doubt the present Ministers were responsible for the entire change; but it was a conclusion which he could not admit.

The original address was carried by a large majority.

In 1835, when King William's dismissal of his Whig Ministers was made the subject of attack upon their successors, Sir Robert Peel, as the head of the new Administration, declared, that though he had not at all partaken in advising that dismissal (having, indeed, been at a great distance from England when it was projected and executed), yet he did conceive himself, by accepting office, to have become responsible for the King's act; and he added, that he was willing and prepared to meet that responsibility. Perhaps, however, there will be found no real discrepancy between Sir Robert Peel's and Lord Eldon's views of an in-coming Ministry's constitutional responsibility for the dismissal of their predecessors. The Chancellor does not go the length of affirming that this responsibility can attach upon the new Government *only* when the dismissal has been actually advised by themselves: and indeed it is by no means difficult to conceive cases, where, without any participation in, or even privity to, the King's dismissal of the preceding Ministers, the new Administration might couple its acceptance of office with such farther steps (for instance, penal or vindictive proceedings against the discarded parties) as would amount, by relation backwards, to a clear adoption of the King's uncounselled act. On the other hand, Sir Robert Peel does not seem to have intended it as a universal proposition, that the acceptance of office has relation back to *all* acts done by the Sovereign in and consequent upon his dismissal of his last servants; for such a doctrine, should it prevail, would deter the

best and wisest men from lending their aid to the Crown, in the very circumstances where such aid would be the most urgently needed,—that is, where the Sovereign, by some false step, taken without any recognised adviser, might have brought his Crown and his people into an embarrassment reparable only by ready and judicious counsellors invested with regular official powers. It therefore seems most reasonable to conclude, that both the Chancellor and Sir Robert Peel spoke, not with any view of laying down abstract universal propositions, but simply with reference to the particular change of Administration which each respectively was discussing. The truth may be probably this, that the Chancellor's disclaimer was founded on a generous reluctance to take from the King, under the name of Ministerial responsibility, the popular credit which attached to the expulsion of the Whigs in 1807; and that Sir Robert Peel, in no less manly a spirit, adopted the converse of the same course at the beginning of 1835, when, perceiving some sort of dissatisfaction to be connected with the dismissal of the Melbourne Ministry, or at least with the unusual and abrupt manner of it, he, in order to relieve the Sovereign from all shadow of imputation, took the whole responsibility upon himself.

An act for the regulation of trade with America had expired, between the dissolution of the old and the meeting of the new Parliament. A bill for continuing it could not have been passed without a delay of the dissolution; and the new Ministry therefore had taken upon themselves to keep its provisions in force by an Order in Council, for which exercise of authority beyond the law, they now applied to Par-

liament to give them an indemnity. Earl Bathurst having, on the 13th of July, moved the second reading of a bill framed for this purpose,

Lord Grenville took occasion to renew his censure upon that dissolution, out of which the necessity for an indemnity bill arose, and entered, somewhat at large, into the question of. the policy avowed by the new Administration with respect to the claims of the Irish Roman Catholics.

Lord Hawkesbury, who answered this speech, was followed by Earl Spencer and Lord Erskine; and the Lord Chancellor then addressed the House in vindication of the conduct of Ministers.

He said that the question under consideration was, not the fitness of the dissolution, but the fitness of the Order in Council; and if the fitness of the Order in Council were established, the Government which had passed it was justly entitled to an indemnity, whether the dissolution had been fitting or not. He did not shrink, however, from a discussion of their conduct in the matter of the dissolution. Lord Erskine had condemned it as an unconstitutional act, done simply "to accommodate a change in Administration." That it was not an act done uncomformably to precedent, would appear by a reference to the dissolution which had taken place under the late Administration in the very last year. At the moment when *that* dissolution was resolved on, no circumstances had occurred to embarrass the Ministers,—no vote had passed in either House to indicate a wish of impeding them. However, he rested his own opinion of the necessity for the dissolution which had just now taken place, not on the precedent of the last year, but on that course which, without any precedent at all, the late Administration had adopted, in making his Majesty's conduct, respecting the Roman Catholics, a subject of inquiry in both Houses of Parliament. That inquiry he considered as the most unconstitutional proceeding in which their Lordships had ever been engaged; and nothing could be fitter than to submit

the whole matter to the sense of the country, while the circumstances were fresh in the recollection of the people. He had no hesitation in avowing, that with a view to render the new Administration as firm and as vigorous as possible, he had been a strenuous adviser, probably one of the most strenuous advisers, of this measure of dissolution. He looked to the Protestant people, whose regard and veneration, once lost to the Government, would at best be but imperfectly replaced by the conciliation of the Roman Catholics. But such a conciliation was not, in his opinion, at all likely to be effected. The measure in which the late Ministers had been defeated was one in which they aimed only at the promotion of naval and military officers. Why had they stopped with those classes? Why had they not extended their policy also to the profession of the law, and to all the departments of civil government? A measure thus partial had no chance of producing the unanimity which was alleged as its object."

The second reading was carried without a division.

On the following day, the 14th, a bill was read a second time, for the renewal of the provisions in the expired act respecting American trade.

Lord Lauderdale took this opportunity to repeat the attack upon Ministers. He accused them of having professed a readiness to support the late Government, which yet they had employed every illiberal, underhand, unmanly means to subvert.

The Lord Chancellor said that there never was an Administration which had less occasion than the last to complain of a factious or harassing opposition. There had, in fact, been nothing like a systematic plan for opposing their measures, among any of those with whom he had the honour to act. "All the talents," as they were called, had been absolutely without any opponents in that House, or, he believed, anywhere else, until they began to oppose *themselves*.

The bill was then read a second time.

A measure for the erection of parochial schools having passed the House of Commons and been read a first time in the House of Lords, the second reading of it was moved by Lord Holland on the 11th of August.

The Lord Chancellor said, he must oppose the bill in its present shape, though by no means unfriendly to the principle of diffusing instruction as generally as possible. He was fully sensible of the benefits derived from the system of education in Scotland,—a system to which he, as a borderer on that kingdom, had been indebted for his own education; but he could not approve the present bill, which was wholly deficient in the means of accomplishing its object. Besides, it departed from the great principle of education in this country, by taking the business of instruction in a great degree, out of the superintendance and controul of the clergy. Moreover, it placed the option of erecting, or declining to erect the school, in the mere numerical majority of the inhabitants of each parish—a constitution to which he could never agree. It would give rise to all the mischiefs of an election, and to litigation without end. He objected also to the proposal of giving to the Court of Chancery the disposal of the money applicable to these institutions when it should amount to a certain sum. It should be recollected how monies so entrusted were "sweated" in that Court; and how, in the end, when the oyster came to be divided, the parties entitled got nothing but the shells.

The bill was thrown out.—On the 14th of August the Session was closed by Commission, in a speech delivered by the Lord Chancellor.

He still found time to attend to the welfare of his personal friends, as will be seen from the succeeding letter to Mr. Farrer, on the important subject of the course of study to be pursued by himself and his brother in their preparation for the Bar:—

Lord Eldon to James William Farrer, Esq.

Written at Encombe, and franked
" Dear Sir, " Corfe Castle, October 14th, 1807.

" I thank you for your letter; and the concern and interest which I cannot but take in all that affects the welfare of those, who are so nearly connected with some of my oldest friends, as you and Oliver are, lead me to trouble you with an immediate answer to it. If you and Oliver can arrange that matter to your mutual satisfaction, I think you do right in looking to different Courts. I approve altogether the idea that such of you as look to the Court of Equity should go, and for a good many years, the northern circuit, as well as he who makes the profession of the common law his peculiar study; and I fully approve also the plan that the Equity Barrister should go to Mr. Abbott for twelve months. I know from long personal observation and experience, that the great defect of the Chancery Bar is its ignorance of common law and common law practice; and, strange as it should seem, yet almost without exception it is, that gentlemen go to a Bar where they are to modify, qualify, and soften the rigour of the common law, with very little notion of its doctrines or practice. Whilst you are with Abbott, find time to read Coke on Littleton again and again. If it be toil and labour to you, and it will be so, think as I do when I am climbing up to Swyer or to Westhill*, that the world will be before you when the toil is over; for so the law world will be, if you make yourself complete master of that book. At present lawyers are made good cheap, by learning law from Blackstone and less elegant compilers; depend upon it, men so bred will never be lawyers (though they may be barristers), whatever they call themselves. I read Coke on Littleton through, when I was the other day out of office, and when I was a student I abridged it. To a Chancery man, the knowledge to be obtained from it is peculiarly useful in matter of titles. If you promise me to read this, and tell me when you have begun upon it, I shall venture to hope that, at my recommendation, you will attack about half a dozen other very crabbed books, which our Westminster Hall lawyers never

* High grounds at Encombe, commanding extensive views.

look at. Westminster Hall has its loungers as well as Bond Street. Before you allow yourself to think that you have learnt Equity pleading with your Chancery pleader, remember to make yourself a good conveyancer, in theory and practice. I venture to assure you, without qualification upon the positiveness with which I so assure you, that if you are such, you will feel yourself in the Court of Chancery vastly above your fellows. — This I know, from my own personal experience, that being, by the accidents of life, thrown into a conveyancer's office, I have never known in a long life in Chancery, how sufficiently to value the advantages that circumstance has given me. When you are learning to draw Equity pleadings, you may be learning this also in your father's office. But you must labour at it till you can speak and dictate conveyances of every species, and this can only be learnt by going through the drudgery of copying. I wrote some folio books of conveyances, and I strongly advise you to do the same. The conveyancing precedents have been formed and modelled so as to make all their provisions square with the rules of law, as modified by decisions in Equity; and, unless I deceive myself, after you have enabled yourself to dictate the different species of conveyances, and by that time have thought that it was a mere work of dull labour, with nothing of theory or science to recommend it to serious attention, you will find that from and after that moment, you will read no Chancery case, nor hear any Chancery decision, which will not appear to illustrate and open the meaning of all the phraseology, dull and technical as it may seem, of the conveyancer's language. This is a point I am very strenuous about. After all, when, tolerably well furnished, you have begun your Chancery practice, go, spring and summer, for some years, the circuit. That practice will keep alive your common law knowledge, and that will enable you to improve in your knowledge of Equity. But it hath besides many mighty advantages, both for the time, and in future life. On the recommendation of great men now no more, I followed it, till it became injustice to my equity clients.

" Yours, my dear Sir, truly,

" ELDON.

"Oliver's going to Holroyd is quite right. Both he and Abbott are very able men. It is, however, fittest that the Chancery pleader should go to Abbott, and the Common Law Northern circuiteer to Holroyd."*

The following extract is from a letter, without date, but written in answer to one from John Surtees, Esq., dated 18th January 1808, in which Mr. Surtees had spoken of the obligation conferred by Lord Eldon on Mr. Smith, in the appointment of him to be Accountant-General of the Court of Chancery:—

"Is *he* obliged to *me?* In my judgment, very far from it. Lord Loughborough made him a Master, and I am not sure that I did him any good in prevailing upon him to take the office of Accountant-General. But if I did, what is that, compared to the weight of obligation I owe, and Lady Eldon owes, to him, for the kindness shown to us and the assistance given us, in an early part of our lives? Next to Sir William, I look to him as our greatest benefactor now in existence."

The present Earl relates that his grandfather's friendship with Mr. Smith began at Oxford, and continued till the death of the latter, at the age of sixty-seven. Mr. and Mrs. Scott, during the early years of their marriage, were a good deal with Mr. Smith in Yorkshire, where he then lived; and she sometimes made his house her home while Mr. Scott was on the circuit. Mr. Smith had afterwards a house at Stanmore, where Lord and Lady Eldon usually passed the Christmas, Easter, and Whitsuntide vacations. He was appointed Accountant-General by Lord Eldon in 1801, and died in 1819.

* Both the instructors here recommended were afterwards Judges of the King's Bench: of which Court Mr. Justice Abbott, after serving some years as a puisne Judge, became Lord Chief Justice, at first without a peerage, afterwards with the Barony and Title of Tenterden.

CHAPTER XXVI.

1808.

ORDERS IN COUNCIL: LORD ELDON'S SPEECH IN DEFENCE OF THEM. — SEIZURE OF THE DANISH FLEET: LETTERS OF LORD ELDON TO HIS LADY: HIS SPEECH IN DEFENCE OF THE SEIZURE: ANECDOTE OF GEORGE III. — DETENTION OF DANISH MERCHANT-SHIPS. — NOTE FROM THE PRINCESS OF WALES. — LETTER OF LORD ELDON TO DR. SWIRE ON REVEALED RELIGION. — DUKE OF CUMBERLAND'S VISIT TO ENCOMBE. — SPORTSMEN TRESPASSING THERE. — LETTER OF LORD ELDON TO SIR WILLIAM SCOTT, ADVISING REFUSAL OF ECCLESIASTICAL JUDGESHIP.

THE Session of Parliament in 1808 was opened by Commission on the 21st of January, the Royal speech being read by the Lord Chancellor; of which the most prominent topics, in reference to the conduct of Government, were the Orders in Council and the seizure of the Danish fleet at Copenhagen.

The celebrated anti-commercial decrees of Buonaparte had been passed in the November and December of 1806. They declared the whole of the British dominions to be in a state of blockade: they prohibited all trading in the merchandize of England; and they ordained that every article of her manufacture, or belonging to her, or coming from her colonies, should be lawful prize, and that no ship should be admitted into any port under the controul of France without a certificate of origin, showing that no part of her cargo was English. These decrees had been met on the part of this country, by an Order in Council,

which was passed under the Whig Administration in January 1807, and which forbade the trade of any vessel between any two ports, being in the possession of France or her allies, or being "so far under their "controul as that British vessels might not freely "trade thereat." It was hoped that this counter ordinance would rouse the neutral states to resist the original decrees; but experience having shown that the neutrals were not inclined to oppose the assumptions of France, and that the countries under her controul were actually giving effect to her mandates, the new Administration resorted to Orders in Council of a more stringent character, dated November 1807, which provided that, with certain exceptions, not only the ports and places of France and of her allies, and of any other country at war with his Majesty, but likewise all ports and places in Europe from which the British flag was excluded, and all ports or places in the colonies of the King's enemies, should be subject to the same restrictions in point of trade and navigation as if they were under actual blockade; further declaring, that all trade in the produce or manufactures of the said countries or colonies should be deemed unlawful, and that every vessel trading from or to them, and its cargo, and every article of the produce or manufactures aforesaid, should be prize to the captors.

The legality, as well as the policy of the new orders, in exceeding the limit of the order of January 1807, was vehemently contested by the Opposition, whose wrath was long exercised upon them in both Houses of Parliament. The first debate upon these new orders, in the House of Lords, was on the 15th

of February, when Lord Auckland moved for a Committee to take them into consideration.

The Lord Chancellor defended their legality, both in an international and in a municipal point of view. The decrees of Buonaparte, he said, went to prevent all trade whatever in British commodities; which attempt was a flagrant violation of the rights of neutrals, since it amounted to a notification, that whoever traded with Great Britain would be considered an enemy by France. It had been contended that our Orders in Council of November transcended the rule of the war of 1756, which would have authorised us only in interrupting the coasting trade of France. But the excess upon the rule of 1756 was introduced, not by this new Order in Council, but by the order made in January 1807, which not only interrupted the coasting trade of France, but included in its prohibition the trade of those other nations, over which France had sufficient controul to compel their exclusion of British ships. Now the exclusion of British ships was undoubtedly a measure which any nation had a right to adopt for herself; but the order of January 1807 had proceeded, and very justly, upon the fact, that the exclusion of our ships in this war by the nations in question was not an act of their own, but an act imposed upon them by France. They might suffer some inconvenience from the kind of retaliation now introduced, which placed them between confiscation for obeying the French decrees, and confiscation for obeying the British Order in Council; but a neutral nation, which by her acquiescence in an invasion of her rights, lent herself to one belligerent for the purpose of favouring his trade at the expense of the other, could have very little title to complain, if the other belligerent protected himself by the necessary measures for rendering such a combination ineffectual. Those measures were aimed not at the neutral, but at the adverse belligerent: the damage to the neutral was only incidental. It might be an evil, but it was not an injury. To prove this proposition, he cited a variety of authorities derived from the law of nations, on the subjects of blockade, embargo, and other modes of interference. In relation to the municipal law,

he defended the orders by a reference to decisions of the British Court of Admiralty, and to the constitution of the Royal Prerogative.—The expediency of the orders had been questioned, principally in relation to our trade with America. But it was necessary to consider not merely the advantages which America might bring to us by her trade, but the disadvantages which she might inflict on us by her acquiescence in the decrees of Buonaparte. He was on every account desirous to avoid a rupture with America; but he added, with earnestness, that he believed the greatest danger of such an event to be from those who argued this question as involving that result. He trusted that America, perceiving the acts of France to be the real cause of the evil, would yet discern the policy of joining with England in opposition to the wild and extravagant pretensions of a power whose object was, that England and America should both be crushed.

The motion was negatived by a considerable majority. But the subject was, on the 8th of March, brought again under consideration by Lord Erskine, who moved a series of resolutions condemnatory of the latter Orders in Council. Upon these resolutions the Lord Chancellor moved and carried "the previous question." The grounds of his speech were mainly the same with those which have been already set forth.

The seizure of the Danish fleet was a matter not less eagerly canvassed in Parliament than the Orders in Council. It had not escaped the watchfulness of the new Government, that Buonaparte, to whose yoke the State of Denmark, neutral as she professed to be, had implicitly submitted, was preparing to press her naval force at Copenhagen into the service of his own designs against England. They therefore determined to anticipate his movements by laying up that force in a British harbour. For this

purpose they fitted out a powerful armament both naval and military, which proceeded to the waters in the neighbourhood of Copenhagen. Meanwhile, Mr. Jackson, as British envoy, was instructed to request, from the Court of Denmark, a peaceable transfer of the Danish fleet to the British Admiral, under a solemn stipulation, that, if so transferred, it should be restored to Denmark at the conclusion of the war between Great Britain and France. The Danish Court endeavoured to amuse Mr. Jackson by a show of negotiation, for the purpose of gaining time; but it being at length beyond doubt that no direct answer was intended, the British Commanders, in execution of their instructions, invested Copenhagen both by sea and land. A few days of brisk siege produced a capitulation, which was signed on the 8th of September: and the Danish vessels of war were taken from the basons where they lay in ordinary, and carried, with the equipments found in the neighbouring arsenal and storehouses, to England, where they arrived about the end of October 1807. In a letter to Lady Eldon, written on the 18th of September in that year, the Chancellor says: —

"Friday morning.

"After a very long Cabinet indeed yesterday, at which I flatter myself my presence was of some use to my country, I dined at Lord Castlereagh's, where, besides most of the Cabinet, I met Lord Lake, the General, from India, two of the officers from Copenhagen, and two of the officers from Buenos Ayres, so that we had a complete hash of all the good news and all the bad news from all parts of the world. The day was rendered entertaining enough by their different accounts of the transactions in the respective countries from which they came.

* * * * * *

"We have an account that the Danes had taken a plank or a piece of a plank out of every ship, and replaced it with a thin deal so pitched and painted as to make it look like the rest of the ship, which the first heavy wave would have stove in and sent all our gallant tars to the bottom in every one of them, but luckily our people discovered it."

In another letter to Lady Eldon, written the day following, he says:—

"Yesterday, as I said I should, I dined at the Admiralty, and I met there Sir Richard Strachan, Sir Sidney Smith, Sir George Collier, Captain Bazeley, and half a dozen other captains and admirals, most of them just returned from Copenhagen, and we had a full, curious, and interesting detail of the particulars of the transactions there. The state of the inhabitants in Copenhagen, and their distresses, must have been terrible and tremendous. In one street our mortars destroyed five hundred persons, principally poor helpless women and children. It seems weak pride and false honour, that actuated the Danish commander. From the first he meant to surrender, and yet wished to have the credit of a battle before he did so; and to this point of military etiquette he sacrificed one-fourth of the buildings of the town, and devoted to destruction property and lives to a terrible amount. It made my heart ache, and my blood run cold, to hear the accounts these gentlemen gave."

This exploit did not fail to provoke the vituperation of the Whigs, who made it a subject of charge in both Houses of Parliament, but without success. After these direct failures, Lord Sidmouth, on the 18th of February, revived the question by a side-wind, in a motion, "that no measures should be taken with "respect to the ships, which might preclude the "eventual restitution of them to Denmark, agreeably "to the spirit of the proclamation issued by the com-"manders." In the course of the debate,

Lord Ellenborough commented severely on the expedition, as dishonourable to England: and denied the applicability of some precedents which had been cited. That England and Denmark had, since the seizure of the ships, been engaged in open war, made, in his opinion, no difference. Denmark would equally be entitled to a restoration of the ships; and it was therefore the interest of England to keep them in such a state, that they might be restored with the smallest possible cost, and that at least a penurious justice might be effected.

The Lord Chancellor answered this speech:

He contended for the analogy of the precedents, and declared that, so far from feeling himself dishonoured as an Englishman by the measure adopted, he should have felt himself dishonoured if, under all the circumstances, he had hesitated to concur in advising it. The sort of justice recommended by his Noble and Learned Friend was truly a penurious one; for if the expedition was indeed unjust and dishonourable, then, instead of keeping the ships in any particular way and at any given expense, this country ought immediately to restore them, with ample amends. But, as the case stood, the Danish Government had not even a pretence for demanding a restitution, which had been offered only on the condition of a peaceable surrender.

The motion was negatived.

In reference to this memorable transaction, Lord Eldon, many years afterwards, related to Mrs. Forster a characteristic trait of George III.:—

"Do you recollect when we took the Danish fleet during the war, Mrs. Forster? We had no right whatever to do so, but we were obliged, or it would have fallen into the hands of Buonaparte. We deemed it a matter of necessity. Well, we sent an ambassador,—I think it was Mr. Jackson,—to demand the ships from the Prince Royal; and when the ambassador waited on George III. on his return,

the King abruptly asked him, 'Was the Prince Royal up stairs or down when he received you?' 'He was on the ground-floor, please your Majesty.' 'I am glad of it, I am glad of it, for your sake,' rejoined the King; 'for if he had half the spirit of George III. he would infallibly have kicked you down stairs.'"— This story was related to Lord Eldon by the King himself.

Another question was raised by Lord Sidmouth on the 17th of May, as to the detention of the Danish merchant-ships, which happened to be in the ports of Great Britain at the commencement of hostilities, having been seized there, or brought thither, as enemies' property. Lord Sidmouth proposed a series of resolutions for the restitution of them, subject to a due compensation for the amount of British interests which might have been sequestrated by the Government of Denmark.

The Lord Chancellor opposed this motion, on the ground of the general law and practice of nations. He admitted that the application of those rules might often operate with hardship upon individuals; but he thought it would be difficult to maintain that a commercial peace could co-exist with a political war; and he apprehended that the attempt to establish such a theory, and to set up a rule of compensation for private losses, would lead only to ruinous speculations on the part of individuals.

He therefore moved the previous question, which was carried.

The retired habits of Lady Eldon prevented the Chancellor from receiving much female society at his own table. When he did so, however, he acquitted himself with a very good grace, as will be

collected from a note addressed to him by the Princess of Wales: —

"Thursday, June 9th, 1808.

"The Princess of Wales desires of the Lord Chancellor to express to Lady Eldon how much she was mortified at not having had the pleasure of meeting her at the Chancellor's agreeable dinner; and trusts that, whenever another opportunity shall offer itself, she may have the gratification of assuring the Lord Chancellor as well as Lady Eldon, that the Princess will ever be happy of personally assuring them of her highest regard at their house."

The Session was closed by Commission, the 4th of July. By this time, the outrages of Buonaparte upon the independence of Spain had begun to rouse the indignation of her people, and England had cordially answered their solicitations for aid. These circumstances formed the most important topic of the Royal Speech, which was read, as usual, by the Lord Chancellor.

Neither civil business nor foreign war, neither the cares of the world nor its contests, estranged Lord Eldon from that one great interest which is paramount to all others, The present Earl says, "Dr. Swire and Dr. Zouch having edited a short tract on the doctrine of the Trinity, written by Mr. Sampson George, an eminent solicitor who resided at Middleton-Tyas, sent a copy to Lord Eldon, from whom it produced a letter to Dr. Swire," of which the following is an extract: —

(Sunday, August 7th, 1808.)

"I have not ceased to delight in the studies to which my life was originally intended to be dedicated. I confess I am not quite so anxious as others, better informed, perhaps may

be, to find the doctrines of natural and revealed religion altogether intelligible. In the former there are many which are above my reason, and yet they must be true. That a divine Being does exist, the Author and Preserver of all created beings, himself uncreated and existing from eternity, is a truth of which I have no doubt, and I never could bring myself to think that any reasonable being had a doubt of it, —and, yet how much of *how this should be*, (undoubted as it is that it *must* be so,) is above the comprehension of him who 'seeth through a glass darkly.' So, as to this doctrine of the Trinity — I don't object to it if it be represented as a perfect mystery. Compelled to believe in the doctrines of natural religion, though many of them are above my reason, why I should withhold my assent to such of the doctrines of revealed religion as are so, I know not. Upon this I say, 'If ye believe in God, believe in me also.' I go a short way to work in this great matter. If the matters, communicated in the sacred books, are communicated by the God of Truth, they must be true. I have asked myself, therefore, 1st, Has this communication been made by the God of Truth? If it has, 2dly, What doth the communication contain? — I have not been so far led astray from the great purpose of human life, of this state of trial and probation, as not to have often and often endeavoured to enable myself 'to give a reason to him that asketh, of the hope that is in me.' I have looked, therefore, into the evidence of these things, and I have no doubt of the divine origin of the sacred volumes. If so, what is therein contained? If the doctrine of the Trinity in Unity is not therein contained, I can only ask him who can prevail upon himself so to say, 'How readest thou?' Assuredly not as I read — for unless (coming to the consideration of this important matter a believer in natural religion with all its difficulties about it) I am to twist every thing I find in revelation till I can represent it to myself not as it is, but as I think it should be, in the foolish purpose to bring it down to the level of my reason, I must read and understand *as it is written*. If *this* doctrine is *not* there revealed, I know *none* respecting the being of God that *is* there revealed. Indeed the whole

Bible scheme of man's redemption, the whole Bible scheme of this world and that which is to come, appears to me very mainly to depend upon it: and when the man of reason tells me he understands the Godhead better, if he believes as an Unitarian, than I do who believe the doctrine of the Trinity in Unity, I am content that he should think as meanly as he pleases of my understanding; but on the other hand, I humbly pray to God to forgive his presumption. When the question was asked, 'Can these dry bones live?' I think the answer was, 'O Lord God, thou knowest.' When the question is asked, 'Can these three be One?' my answer is, 'The Lord God knoweth.' — He has said it, if there be truth in Scripture.

"Though I write in this style, and have been very unwell, and still am not as I should be, and however grave you may think me, don't think me 'a Saint:' I mean a 'modern Saint.' The more I see of that character, the less I like it. But I am very serious on these points."

On Saturday, October 1st, 1808, the Duke of Cumberland came to spend two days at Encombe with Lord Eldon, who thus describes the visit:—

Lord Eldon to the Hon. Mrs. Scott.

"My dearest Henrietta, "Oct. 5th, 1808.

"Our Royal Visitor arrived here on Saturday morning between twelve and one. The day happened to be *tolerably* good — not such a day as Encombe should be seen in, but Encombe was thought very, very beautiful. . . . . Sunday was, unluckily, a very wet day, so that we could not get to church; . . . . our non-appearance there was a great disappointment, as, had the weather permitted all that was intended by the natives in point of attendance, Mr. Colson must have preached in the church-yard, as all the *families* in the island meant to be there. The day held up a little, and we *plodged*, as we say in the north, through the wet grass to Chapman's Pool. The place, however, from gleams of sunshine, and from Swyer's being occasionally cloud-capt, was really very beautiful. Our evenings were *of course* spent in

such conversation as becomes princes and statesmen! But, speaking more seriously, ... he was very good-humoured and condescending, and we all behaved well . . . . dear mamma, very well — after the flutter, which you know so rare a scene would occasion. . . . . Bessy was all in *alt* — William Henry very contemplative — Fanny much smitten — William Surtees very *arguefying* with his Royal Highness on politics. On Monday he breakfasted — walked about — fell in love with mamma's quarry * — and then moved off, we walking with him to the bottom of Kingston Hill, where Fanny got an embrace, and we have had some difficulty to get her to allow her face to be washed since, lest she should lose the impression. The Duke seemed, on his part, pleased with his visit. . . . . I am, myself, wonderfully better. If they don't drag me to town, I shall still be strong enough to do some good or some mischief. . . .

"Believe me to be affectionately yours,

"ELDON."

It may probably have been in or about this year, that Lord Eldon had that whimsical encounter with a couple of strangers at Encombe, which several of his friends will remember him to have been in the habit of narrating with some glee. Taking a walk by himself, and seeing two persons on his land with dogs and guns, he accosted them with a gentle intimation that they were transgressing the law and trespassing upon Lord Eldon's property. "Oh, no," said one of them, "we are not trespassing; we are only following some birds that we put up on another gentleman's land. If you go home and ask your master, he knows the law better than to tell you that what we are doing is contrary to it." "Indeed, gentlemen," replied Lord Eldon, "that will hardly be

* The quarry whence the fine view is seen at the entrance of the valley of Encombe.

his opinion — for he is the person who now addresses you. However, as you do not seem to like my law, you shall pursue your amusement for to-day, without any further interruption from me."

Sir William Wynne having determined to retire from the offices of Dean of the Arches and Judge of the Prerogative Court, Sir William Scott, then Judge of the Admiralty, to whom these situations were offered, had some difficulty in deciding whether he should accept or reject them. The acceptance would remove him from the Admiralty Court, which, as being better both in its profits and in the importance of its business, he was desirous to keep; but then the Deanery of the Arches was of higher professional rank, — and Sir William Scott felt some apprehension lest he should be deemed to degrade, if he allowed a junior to overstep him. In this perplexity he consulted Lord Eldon, whose opinion was given in the following letter: —

Lord Eldon to Sir William Scott. — (Extract.)

(No date; written about the end of 1808.)

"After tumbling the matter over and over in my head, I can make little more of it, than to consider it as that sort of matter in which you must, in a great measure, entirely I think, decide for yourself. The considerations you state, as to accepting and holding both offices, appear to me to be weighty and just. It does not occur to me that the circumstance of your retaining your present office (in the discharge of the duties of which you have so much distinguished yourself, and from the nature of the duties of which you must continue so much more before the country and the world, than you would do in Sir W. Wynne's present offices) could affect anything in prospect, upon the mere ground that in rank at the Commons you would not stand first. Your pre-

sent office ranks you infinitely foremost as a public man; and nobody can succeed Sir W. Wynne, who in this view of the subject could state, for years to come, pretensions equal to his. As to the matter of feeling, that you will judge of yourself. I felt nothing when I was Chief Justice of C. P. on the ground that the Master of the Rolls had precedence of me; and I rather think I could have had my choice between the offices. I suspect that Nicholl will not take these offices of Sir William Wynne's. But this is mere guess-work. I can't think that the retaining your present situation, merely because a junior will have professional rank beyond the Judge of the Admiralty, can affect any other object. It is in that character you have so strong a claim upon the country, and that claim admits of daily manifestation by a Judge of the Admiralty in these times, in a degree and with a lustre, which cannot, in the nature of things, belong to the pretensions in these times of Dean of the Arches and Judge of the Prerogative."

Sir William took his brother's counsel; and Sir W. Wynne, who resigned on the 20th of the following January, was succeeded in both offices by Sir John Nicholl.

CHAPTER XXVII.

1809.

COLONEL WARDLE'S CHARGES AGAINST THE DUKE OF YORK: LETTER FROM THE FIRST LORD MELVILLE.—LORD BYRON'S INTRODUCTION INTO THE HOUSE OF LORDS.—LORD ERSKINE'S BILL AGAINST CRUELTY TO ANIMALS: ANECDOTE OF HIM.—SCOTCH JUDICATURE: STORY TOLD BY LORD ELDON.—LETTER FROM LORD CASTLEREAGH.

PARLIAMENT was opened by Commission on the 19th of January 1809, the King's speech being read by the Chancellor. In the course of the Session, there were several party discussions in which he was a prominent partaker; but the interest of them has long since passed away.

The attention of the House of Commons, during the greater part of the months of February and March, was ingrossed by an inquiry into a charge, advanced by Colonel Wardle, a member of that House, against the Duke of York as Commander-in-chief of the forces, and intended to implicate his Royal Highness in certain corrupt practices of a Mrs. Clarke, his mistress, who had been in the habit of taking bribes from officers to procure their advancement in the army.

In this investigation the Chancellor, who was sincerely attached to his Royal Highness, took an anxious, though of course not a public interest. The subject occupied a good deal of the attention of Ministers and of their immediate friends; and Lord Eldon was the channel of some useful suggestions from his

former colleague, Lord Melville, with respect to the course to be taken by the defenders of the Royal Duke. It appears that Mr. Perceval, in adopting the substance, had yet deviated from the form, of Lord Melville's recommendations; and Lord Melville questions the expediency of this departure in a letter, which remarkably exhibits the skill of that experienced politician, and furnishes some valuable hints upon parliamentary tactics and constitutional principles.

"My dear Lord, "Wimbledon, March 11th, 1809.

"I observe by the newspapers the line taken by Mr. Perceval in the House of Commons, in the business of the Duke of York. You seem to have adopted the substance, but have varied the form, of the suggestions I offered to your consideration about a fortnight ago. I am well aware how incompetent any person must be to criticise upon the result of deliberations to which he was no party, and it is without any affected diffidence I state, under such circumstances, the doubts I entertain how far you have improved my suggestion by varying the form of it. If the whole proposition had been contained in an address, it would have simplified the business much, and limited the mode of discussion. After Mr. Wardle had moved his address, Mr. Perceval would then have moved an amendment, by leaving out the whole of Mr. Wardle's motion after the words "*that an humble address,*" and substituting his own in the place of it. By this means the debate must in the first place have turned on the comparative merits of the two addresses; and if Mr. Perceval's had been carried, any attempts to make any amendments upon it, or to have proposed any totally new resolutions, would have been combated with much advantage. But by separating his resolutions from his address, the door is left open to new resolutions and amendments without end; and in the meantime the Members of the House, being left so perfectly loose, have the opportunity of forming themselves into cabals, and thereby compromising and concerting their

different resolutions. I feel it the more idle to offer these observations to you now, not only because I am ignorant of the reasons which induced you to adopt the line you have done, but because, even if you think me right in my criticism, it is probably too late to act upon it.

"In all the various propositions afloat for conveying an opinion to the King for removing the Duke of York from the command of the army, I own myself completely bewildered. The Duke of York is in possession of various military commissions from the King, but I don't know any one in particular to which the *patronage* of the army is attached, which is the only object the House of Commons, after all their investigations, can pretend to have in their contemplation. They will not avow an intention to address the King to take from the Duke of York any military commission which he holds, and that without a court martial or any other constitutional mode, by which the lowest officer, bearing a commission in the army, is removed. But if they were even to mean to take from the Duke every commission he holds, they would have done nothing to their object, if they mean that the King was never to be guided by the opinion or wishes of the Duke of York in the disposal of any military commission. By the Constitution, the King is Commander of his own army, and may, without consulting any body, or consulting whom he pleases (his *valet de chambre* if he pleases), dispose of any military commissions or promotions, as suits his inclination or judgment. If there is any body constitutionally responsible for any military commission that is granted, it can only be the Secretary of State, who countersigns the commission. Perhaps you may be able to clear up my doubts and difficulties on this subject. I confess myself unable to find a clue to unravel them. With a view to any practical purposes, perhaps it may be as well at present to leave them as they stand, and to allow these various motion-makers to find them out after it is too late. If the question was to be agitated in the House of Lords, I don't think it would be a difficult matter to argue, that these various propositions went a considerable length to encroach on the King's acknowledged prerogative with regard

to the command of the military force of the kingdom. I am to be in town to-morrow forenoon. I promised, if the Duke of York was in town, to call upon him between one and two. If I knew where you would be between three and five, I would take the opportunity of seeing you, and making myself more intelligible in case you do not fully understand the drift of my observations.

"I remain, my dear Lord,

"Yours truly,

"MELVILLE."

On the 17th of March, the House of Commons came to a resolution, which was carried by a majority of 278 against 196, that the imputation on his Royal Highness, of corruption, or even of connivance, was wholly without foundation: and the Duke, upon this complete acquittal, voluntarily resigned his office.

Lord Eldon to the Hon. Miss Scott.—(Extract.)

(Not dated; but written Sunday, March 19th, 1809.)

"We met yesterday (I write this on Sunday) to consider what was advisable in all circumstances: and whilst we wise heads were sitting together, a messenger arrived from Windsor with one of the most affecting letters from the King to his servants, inclosing another of the most affecting letters of the Duke of York to his father, that I ever read,—the former* offering the Duke's resignation, the latter* accepting it. He has, therefore, voluntarily, and without any advice, upon his own judgment, resigned. People in general, as far as I have seen any body, seem affected and softened in consequence of this step; but whether the bloodhounds of St. Stephen's, on Bragge Bathurst's motion to-morrow, will or will not continue to hunt him down in his retirement, I cannot say; but I have seen so much of injustice, that I shall not be surprised to see a good deal of hard-heartedness; and the Duke's measure having disappointed some political manœuvres, the vengeance of politicians may still follow him, when men with hearts would forgive and relent.

* Sic in orig.

"It is not possible to represent to you how handsomely, and in how dignified a way, both the King and the Duke have expressed themselves to the King's servants on this distressing occasion.

* * * * * *

"Ever affectionately yours,
"ELDON."

The Duke's resignation being stated next day to the House of Commons, the motion of Mr. Bathurst, which conveyed a general censure on the Duke, was negatived without a division. And, in 1811, the Duke resumed his office with a popularity far more general than the temporary odium to which he had yielded.

When a member of the House of Lords takes his seat there, the formal usage is for the Lord Chancellor, as it is for the Speaker of the Commons on the like occasion, to shake hands with the new comer. Lord Byron, who made his first entrance into the House of Lords on the 13th of March 1809, was rather peculiarly circumstanced. He was disinclined to Tory politics; the Whig party had affronted him, through their great literary and political organ the "Edinburgh Review," by a contemptuous criticism on his early poems called "Hours of Idleness:" and his retaliatory Satire, entitled "English Bards and Scotch Reviewers," was on the eve of publication.

"There was not a single member of the Senate to which he belonged," says Mr. Dallas in his "Recollections," "to whom he could or would apply to introduce him in a manner becoming his birth."—"I accompanied Lord Byron to the House. He was received in one of the ante-chambers by some of the officers in attendance."—"One of them went to apprise the Lord Chancellor of his being there, and soon returned for him. There

were very few persons in the House. Lord Eldon was going through some ordinary business. When Lord Byron entered, I thought he looked still paler than before, and he certainly wore a countenance in which mortification was mingled with, but subdued by, indignation. He passed the Woolsack without looking round, and advanced to the table, where the proper officer was attending to administer the oaths. When he had gone through them, the Chancellor quitted his seat and went towards him with a smile, putting out his hand warmly to welcome him; and, though I did not catch his words, I saw that he paid him some compliment. This was all thrown away upon Lord Byron, who made a stiff bow, and put the tips of his fingers into a hand, the amiable offer of which demanded the whole of his. I was sorry to see this, for Lord Eldon's character is great for virtue as well as talent."—"The Chancellor did not press a welcome so received, but resumed his seat, while Lord Byron carelessly seated himself for a few minutes on one of the empty benches to the left of the throne, usually occupied by the Lords in opposition. When, on his joining me, I expressed what I had felt, he said, 'If I had shaken hands heartily, he would have set me down for one of his party; but I will have nothing to do with any of them on either side. I have taken my seat, and now I will go abroad.'"—Pp. 51. to 54.

This was an unnecessary and rather captious reserve: and what followed, as given in Mr. Moore's "Life of Lord Byron"* on Lord Byron's own authority, had more flippancy than wit. The admirable writer of that biography says:—

"I am enabled to add, from his own report in one of his note books, the particulars of the short conversation which he held with the Lord Chancellor on the occasion. 'When I came of age, some delays, on account of some birth and marriage certificates from Cornwall, occasioned me not to take my seat for several weeks. When these were over, and I had taken the oaths, the Chancellor apologised to me for the

* Chap. VIII.

delay, observing that these forms were a part of his duty. I begged him to make no apology, and added, as he certainly had shown no violent hurry, Your Lordship was exactly like Tom Thumb (which was then being acted),

'You did your duty, and you did no more.'"

Lord Erskine, whose kindly nature could not brook any wanton infliction of pain, whether on his fellow-creatures or on the inferior races, moved, on the 15th of May, the second reading of a bill introduced by himself for the prevention of cruelty to animals. The Chancellor expressed his concurrence in its principle, and promised that, in Committee, he would do his best to give it practical effect. The bill did not proceed; and another, which Lord Erskine introduced in the following year, was equally unsuccessful. He continued, however, to take a strong interest in the subject, and sometimes was only restrained from personal interference with brutal fellows who ill-treated their cattle in the streets, by the probability that his mediation would be revenged in an aggravation of inhumanity to the objects of his care. On one occasion, however, in the neighbourhood of his own residence on Hampstead Heath, where a ruffianly driver was pummelling a miserable bare-boned pack-horse, Lord Erskine's sympathy so far overcame his discretion, as to provoke him to a smart remonstrance. "Why," said the fellow, "it's my own; mayn't I use it as I please?" And as he spoke he discharged a fresh shower of blows on the raw back of his beast. Lord Erskine, excessively irritated at this new movement, laid his walking-stick with two or three sharp strokes over the shoulders of the cowardly offender, who, crouching and grumbling, asked him what business

he had to touch him with his stick? "Why," replied Lord Erskine, to whom the opportunity of a joke was irresistible, "it's my own; mayn't I use it as I please?"

The administration of justice in Scotland had for some time occupied the attention of the Peers, and particularly of the Lord Chancellor and Lord Grenville, the latter of whom, on the 6th of June, after the third reading of the Scotch Judicature Bill, moved the first reading of a separate measure for the Relief of Suitors in the Court of Session.

The Lord Chancellor consented to the first reading; but, referring to the difficulty of change among a people so inveterate in their habits, expressed his belief that the introduction into Scotland of trial by jury, in civil cases, would not answer the expectation of those who promoted it. Two very learned persons in the north had lately been discussing its expediency. The first disapproved it, and asked the second by what machinery he would introduce such a change? "Why," answered the latter, "what can be more easy? You have only to pass an act of parliament for its introduction." "My friend," replied the first, in a broad Caledonian accent, "an act of parliament might be passed to make us two speak English; but I suspect we should be very apt to go on speaking Scotch notwithstanding!"

Parliament was prorogued on the 21st of June, after a Royal speech delivered by the Lord Chancellor; who, when he had finished his sittings in Lincoln's Inn, repaired as usual to Encombe.

Lord Castlereagh to Lord Eldon.

"My dear Lord, "Stanmore, August 23rd, 1809.

"I have been unwilling to trouble you with any business since you left town; indeed I have had nothing of importance to submit to you, to justify me in breaking in upon the re-

pose you so much required, and have so well earned; but as I think a little military gossip may not be unacceptable with reference to late events, and at all events cannot spoil your morning's ramble by the sea-side, I am induced to send you some private letters from my brother, which may amuse an idle hour, if such a period is ever known in the life of a Lord Chancellor.

"The King has been very gracious to his army in Spain and its commander—he raises Wellesley to the peerage, with the title of Viscount Wellington, and gives the red riband to Sherbrooke.

"You may imagine I am not a little anxious to learn the result of this severe struggle, on the general state of the campaign. I can give you no assistance in speculating upon our farther efforts in the Scheldt. As far as diversion is an object, (which, connected with the state of affairs in Austria, it certainly may be, one of the utmost moment,) it is likely to answer, for we find they are assembling troops from all quarters to oppose us—bringing them even from the fortresses in the remotest parts of Prussia, which, for this object, they are content to evacuate and to restore. An effort so serious may disappoint our ultimate hopes. We shall, I hope, however, have done something for ourselves, if we can contrive to hold the island of Walcheren, and much for the Continent, if the struggle is not over there. The mode in which the island and fortress of Flushing has been taken is also creditable to our arms. My companion, Lady C., desires to be remembered to your Lordship; and, as you would not come to see her here, as a punishment, she desires me to put your Lordship in mind of Lady Buckinghamshire's friend, Mr. Flavell, to whom you were so good as to hold out expectation of some small church preferment. Seriously, if you can gratify my mother-in-law, who is always very kind to me, it will gratify me more than I can express.

"Believe me, my dear Lord,

"Most sincerely and faithfully yours,

"CASTLEREAGH."

CHAPTER XXVIII.

1809.

DECLINING HEALTH OF THE DUKE OF PORTLAND, THEN FIRST MINISTER: LETTER FROM MR. PERCEVAL TO LORD ELDON.—MR. CANNING'S REQUISITION FOR THE WITHDRAWAL OF THE WAR-DEPARTMENT FROM LORD CASTLEREAGH: LETTERS FROM THE DUKE OF PORTLAND TO LORD ELDON.—DUEL BETWEEN LORD CASTLEREAGH AND MR. CANNING: DISRUPTION OF THE CABINET: THE CHANCELLOR'S LETTERS TO LADY ELDON AND SIR WILLIAM SCOTT DURING THE PROGRESS OF THE ATTEMPTS TO RECONSTRUCT THE MINISTRY: CLAIMS OF MR. CANNING TO THE PREMIERSHIP.—DEATH OF SIR WILLIAM SCOTT'S LADY.—LETTERS FROM THE CHANCELLOR TO LADY ELDON AND SIR WILLIAM SCOTT, RELATING THE SUBSEQUENT ATTEMPTS AT A MINISTERIAL SETTLEMENT.—DEATH OF THE DUKE OF PORTLAND.—ULTIMATE COMPOSITION OF MR. PERCEVAL'S GOVERNMENT.

THE bodily strength of the Duke of Portland was now visibly declining: and his colleagues, as well as their Royal master, were aware of the decay, and anxious about its probable effects on the composition of the Government, whereof the Duke was the ostensible head. Mr. Perceval, in August, wrote thus to the Chancellor, who had left town for the summer vacation:—

"Downing Street,

"My dear Lord, "Wednesday, August 16th, 1809.

"I conclude that nothing very important passed in your conversation at Windsor, on the subject on which we had conferred before you left town, or I should have heard from you upon the road. But as I had nothing particular which called me into the closet to-day, I thought it would appear as

if I put myself rather intrusively in the way of his Majesty if I went in to him, and therefore I did not. I was the more induced to this, because I found, from Lord Liverpool and Lord Camden, that the King spoke to them both of the situation of the Duke of Portland; that he expressed himself as thinking that he could not remain long where he is; and that therefore it was necessary that we should be looking about us. Lord Liverpool told me, that the King rather expected that upon the Duke's return to town he might renew his offer to retire, and that though there were great difficulties in the way of any arrangement, yet that it might possibly diminish the difficulties of the other subject.* I could not forbear thinking, from the suggestion, that he had been talking to you upon the subject. I congratulate you upon Wellesley's victory. There is nothing yet from Walcheren that is satisfactory.

"Yours very truly,
"SPENCER PERCEVAL."

"I have seen both Lord Titchfield and Lord William Bentinck to-day. They represent the Duke as quite recovered from his last attack; but he continues as unwell as he was before."

In addition to the Ministerial difficulties threatened by the Duke of Portland's failing health, there had sprung up a new and still more disquieting perplexity. In the beginning of April, Mr. Canning, then Secretary for Foreign Affairs, had addressed to the Duke of Portland, as first Minister of the Crown, a requisition that Lord Castlereagh's official position should be varied by some arrangement, which, without necessarily removing him from the situation of Secretary of State, still less from Cabinet office, would have the effect of withdrawing from him the conduct of the War-de-

* Mr. Canning's requisition respecting Lord Castlereagh: see the following pages.

partment. Mr. Canning accompanied his suggestions with an announcement, that in the alternative of their rejection, he must himself resign. The Duke's answer was a request, that Mr. Canning would suspend his resolution until there should have been an opportunity for consulting some other members of the Government. Before the end of the same month, the Duke entered into the subject very fully with Earl Camden, *a near connection and intimate friend of Lord Castlereagh;* and Earl Camden, who was then President of the Council, *acceded to the propriety of a change in Lord Castlereagh's official duties*, "provided it could be effected honourably for, and reconciled to the feelings of, Lord Castlereagh himself." Of this conversation with Lord Camden the Duke apprised Mr. Canning, who, of course, was entitled to conclude that Earl Camden would, as from the Duke, make the proper communication to Lord Castlereagh. Toward the close of May, the Lord Chancellor, who had already been apprised of these particulars by the King, but under strict injunctions of secresy, received the following communication from the first Minister: —

The Duke of Portland to the Lord Chancellor.

"Burlington House,

"My dear Lord, "Friday, May 26th, 1809.

"I send herewith, for your *private eye*, the communication which I stated to you, last Wednesday, to have been made to me by Canning at Easter.

"I am sorry to add that I had a communication with him yesterday, in which he appeared to be more determined to persist in his determination to withdraw himself from Administration than I have ever yet found him, and to announce

that intention to his Majesty next week. If it cannot be prevented, I see nothing but ruin to the country and to Europe, and so I told him most plainly and distinctly.

"Ever, my dear Lord,

"Most faithfully yours, &c.,

"PORTLAND."

On the 31st of May, Mr. Canning, apprehensive that the matter might not have been fully explained to the King, repeated to his Majesty the representations he had before made to the Duke of Portland, and tendered his resignation; upon which, the Royal command was laid upon him that he should retain his office until his Majesty should have considered the whole subject.

The Duke of Portland to the Lord Chancellor.

"Burlington House,

"My dear Lord, "Wednesday, June 7th, 1809.

"I had a very long conversation with his Majesty last Monday, by which it appeared that his Majesty was fully aware of the fatal consequences of Canning's persisting in his intention of quitting his Majesty's service, and that his Majesty had occupied himself in considering different means of preventing it and reconciling Canning to his situation. These he opened to me at great length, and assured me that he would do so to you to-day. My principal object therefore in sending you this note is, to beg that nothing may prevent your attending his Majesty early, and giving him time to open his ideas upon the subject to you. I told Canning yesterday that I had seen the King, and acquainted him with the outline of his Majesty's ideas: upon which he abstained from making any observation, but could not but feel highly flattered by his Majesty's attention, and the opinion which his Majesty had expressed of him in all respects. The great object, and indeed the sine quâ non, with Canning, is to take from Lord Castlereagh the conduct of the war; and perhaps Canning may go so far as to wish that he may not keep the seals, but have some other Cabinet office. But if Lord Castlereagh gives

up the War-department, I think Canning would be satisfied, for the present at least. But I wish you to impress upon his Majesty, that if this storm is laid, it must be *his* act: it must be *his* authority alone that can keep everything quiet: and let me beg you to implore him to dispose of my situation in any way that can best promote his service, and assure him that, whether in or out of office, (for at my time of life, and with my infirmities and incapacities, it cannot become me, if I quit my present, to take any other office,) I never shall or can have any other object but the advancement of his glory and his happiness.

"Ever, my dear Lord,

"Most faithfully yours, &c.

"PORTLAND."

These letters show the high value which not only the first Minister, but the Sovereign himself, had the discernment to set upon Mr. Canning, at a period when the public in general had not yet paid their tardy tribute of admiration to his great qualities.

From time to time during May and the following month, the Duke of Portland had been in communication with Mr. Canning on this subject; yet *it was not until the latter part of June that Mr. Canning was allowed to learn, or even suspect, that a matter which so nearly concerned Lord Castlereagh had all along been withheld from him by Lord Camden.* Lord Camden afterwards pleaded that he had been "absolutely restricted" from making the communication to Lord Castlereagh: and in fact, though without Mr. Canning's knowledge, such a restriction had been laid upon Lord Camden by the Duke of Portland until (but not after) the 28th of June.

On the 21st of June, the day of the prorogation, the Duke of Portland acquainted Mr. Canning, that a new distribution of the business of the War-de-

partment was to take effect, according to an arrangement proposed by the Duke himself, and that his Majesty had desired that Lord Camden *would* communicate this decision to Lord Castlereagh. Finding, on the 27th, that there *had been no* such communication, Mr. Canning wrote a strong remonstrance to the Duke against the concealment and the delay: and, on the 28th, again tendered his resignation to the King; but, on the same evening, the Duke signified to Mr. Canning the King's pleasure that Lord Camden should communicate the intended arrangement to Lord Castlereagh, and that the communication should be made *as soon as the expedition to the Scheldt should have sailed*, of which Lord Castlereagh had the management, and which was expected to depart in less than a fortnight. Before that time had elapsed, the Duke apprised Mr. Canning, that if, as was hoped, Lord Camden should make a vacancy in the Government by resigning his office, Lord Wellesley was intended to be Lord Castlereagh's successor: and the fortnight having expired, Mr. Canning repeated his urgent desire, that the communication might be made and the arrangement completed forthwith, or that his own resignation might be accepted. The Duke represented that this would dissolve the Ministry: and pressed Mr. Canning, as *others of Lord Castlereagh's friends in the Cabinet continued to do*, from the 13th to the 20th of July, that the new arrangement of official duties might stand over till the termination of the expedition, adding, that if this interval were given to the friends of Lord Castlereagh, to prepare him for, and reconcile him to the change, every public object might be

answered without injury to individual feeling. To these arguments Mr. Canning yielded, — not, as his enemies imputed, with a view to prolong a disparaging reserve toward his colleague, during the period which must intervene before the result of the expedition could be known, and which eventually extended to somewhat more than six weeks, — but with the expectation founded on the assurance of Lord Castlereagh's friends, that, "in the interval, and without loss of time," they would open the subject to him in such a manner as would be likely to settle it amicably and with due consideration for the public service. The result of the expedition was known on the 2nd of September; and on the 3rd, Mr. Canning wrote to the Duke, then at Bulstrode, to remind him that the fixed period was come. To Mr. Canning's surprise, the Duke informed him on the 6th, that no steps had been taken toward a new arrangement; that there were other difficulties, of which Mr. Canning had not been before apprised; and that the Duke himself had resolved to retire. Mr. Canning instantly requested that his own resignation might be laid before the King, and desisted from any further attendance in Cabinet, although he continued to execute the departmental duties of his office, until arrangements could be made for filling it up.

The foregoing dates and facts, which are necessary to a full understanding of the succeeding letters from the Chancellor to Lady Eldon and Sir William Scott, are extracted from the published correspondence; which will be found in the Annual Register for 1809.*

* Appendix to Chronicle, pp. 562. 574.

The resignations were of course succeeded by that disclosure which Lord Castlereagh's friends had so unwarrantably postponed. Lord Castlereagh, on the 8th, craved his Majesty's permission to retire from the Ministry; and on the 19th, having meanwhile informed himself of the details of Mr. Canning's conduct in this affair, he addressed a letter to him demanding personal amends. A meeting took place between them early in the morning of the 21st on Wimbledon Common, where a ball from Lord Castlereagh's pistol disabled his adversary, by a wound in the thigh.

Lord Castlereagh, in his letter of challenge, took several points: — that Mr. Canning, after receiving a promise that the War-department should be withdrawn from Lord Castlereagh, had continued with apparent confidence to act as his colleague, and had allowed him, when thus virtually superseded, to originate the Walcheren enterprise; that Mr. Canning knew Lord Castlereagh was deceived, nay, more, had himself felt and stated the unfairness of such a deception, and yet had acquiesced in it; and that the concurrence of Lord Castlereagh's own friends in the endeavour to continue the concealment, was no excuse to Mr. Canning for having left Lord Castlereagh in a situation so derogatory to his honour, as that of a Minister retaining office under a virtual supersession.— In all this the high feelings of Lord Castlereagh may, perhaps, have a little outrun his usual habits of forbearance and dispassionate reasoning. The contemporary press, however, seconded his view of the subject, and threw an unmerited odium of bad faith on Mr. Can-

ning. But at this distance of time, when the prejudices and partialities which then obscured the subject have passed away, its real merits may be found to be pretty nearly these:—

In the first place, with respect to what Lord Castlereagh says of the dishonour thrown upon himself, it is difficult to conceive how his continuance in office could possibly discredit him, so long as he was kept in ignorance of this virtual supersession. Then he treats the concealment itself as an affront from Mr. Canning: but until the 21st of June it is plain that Mr. Canning could have no suspicion of the reserve that had been practised toward Lord Castlereagh. After the Duke of Portland's report, of the conversation in April with Lord Castlereagh's near friend Lord Camden, and of Lord Camden's stipulation that the change should be reconciled to Lord Castlereagh's feelings, Mr. Canning could never imagine that all parties had resolved to leave Lord Castlereagh wholly in the dark: and Lord Camden himself seems to have thought it must have been so obviously expected of him, under such circumstances, to communicate with Lord Castlereagh, that he found it necessary to publish a statement in the newspapers, pleading as an apology for himself, that he had been "absolutely restricted" from imparting the matter to him. However Lord Castlereagh may have been kept in ignorance, the facts show him to have been mistaken in his allegation that Mr. Canning *knew* him to have been thus hoodwinked. Mr. Canning, as soon as he *knew* of the concealment, which he did not until the latter part of June, remonstrated strongly against it, accompanying that remonstrance with an actual tender of resignation; but

then came the Duke of Portland's assurance, that Lord Camden had received the King's commands to break the matter to Lord Castlereagh when the expedition should have sailed, which it was expected to do in a few days from that time; and it was only when those few days had expired without the requisite explanation, that Mr. Canning became properly entitled to *insist* on a disclosure. Thus, what Lord Castlereagh denominates acquiescence, cannot justly be said to have begun until after the sailing of the expedition in the middle of July. But did it then follow that, in the middle of that July, at all hazards both to the public service and to the personal feelings of Lord Castlereagh, whose character was then staked upon the expedition, Mr. Canning, after so long a delay, attributable solely to others, should now insist on an abrupt and instant disclosure to his colleague, when that colleague's own friends were anxiously pressing for a little farther respite, and engaging that they would employ the interval in endeavouring to adjust the whole matter on satisfactory and amicable terms? Mr. Canning could have nothing to gain by the delay, except the advantage of doing the duty he had undertaken in the manner least painful to his colleague. The facts fairly considered seem to prove only *a want of due decision* on the part *of the Duke of Portland.* His Grace, as the head of the Administration, was the party with whom the duty of immediate and direct arrangement most naturally rested; but his health was declining, his spirits were unequal to the emergency, and his nervous apprehension of public inconvenience induced him to pursue,—and to make a point that others should pursue,—the very course

by which that inconvenience was surest to be brought on. Lord Eldon, in a letter of the 4th of October, hereafter inserted, very candidly takes blame to himself for his part in the suppression. He had a strong dislike of Mr. Canning, whose movements throughout this matter he will presently be found opposing and severely denouncing, in reference to questions of public duty; but he disdained to slur his antagonist with the undeserved imputation of private treachery; he chose rather to accuse *himself*, small as his share in the blame had been, than to warp his own sense of personal justice and truth by lending his countenance to a convenient calumny. Still more important is the testimony of the Duke of Portland, through whom the whole negotiation had passed. He assured Mr. Canning*, "that he should be at all times "ready to avow that the concealment had originated "with himself, — that he had enjoined it to all those "with whom he had communicated, from motives "which he was at all times ready to justify, — and "that he was desirous of taking whatever blame "might have been, or might at any time be, incurred "by it, upon himself."

Mr. Canning's resignation on the 6th of September, followed on the 8th by that of Lord Castlereagh, had thrown the Cabinet into the utmost confusion. The Chancellor, who had left London for his vacation, was summoned from his retreat at Encombe to give his advice and assistance to the King; and the passing details of the attempt to reconstruct the Ministry were communicated by him to his Lady, in daily

* See "Annual Register" for 1809, Appendix to Chronicle, pp. 586, 587.

letters from London to the number of twenty. These and eight others, two of which have been quoted in Chap. XXVI., are the only letters extant from Lord to Lady Eldon. The twenty, of September 1809, have escaped destruction but by the accident of their having been placed in a bureau, of which the key was afterwards lost. They not only exhibit his exceeding affection for his wife, but prove his respect for her understanding and his confidence in her discretion. The following extracts from them comprehend everything which now retains any public interest.

Lord Eldon to his Lady.—(Extract.)

(Not dated; but written Monday, Sept. 11th.)

"My dearest Bessy,

"We are here in a most singular state.

"As soon as the account came that the expedition could not be pursued, Canning renewed* his insistings that Lord Castlereagh should deliver up his situation to Lord Wellesley. The latter† magnanimously, but I think most foolishly, said, he considered C—g's services in the House of Commons of so much consequence that he would resign; and accordingly sent his resignation, stating, however, that he would not condescend to take any other office. This had nearly produced the resignation of Perceval, Liverpool, Camden, and Bathurst. They saw plainly, that if the D. of Portland could give way to Canning, so far as to turn out Lord Cas. merely because that gentleman chose it, Canning was really the Minister, the Duke but an instrument in his hands, and that the world must see it too, and that everybody was at the mercy of that gentleman's caprice. This intended measure alarmed the Duke; he thought the King would be deserted; that if some other great nobleman was put in his place we might be all kept together still; and so the Duke sent in a tender of his

* By his letter to the Duke of Portland, Sept. 3.

† Sic in orig.: Lord Castlereagh is obviously meant.

resignation, and the King accepted it; and he has commanded Perceval, Liverpool, and myself, to get him an administration, which I think we shall not be able to do. For, mark what follows. This well-intended step on the part of the Duke has produced what shows me that I have been right in my conjectures, what from the first have been Canning's objects. Canning instantly wrote to Perceval, to say that some person in the House of Commons must be Minister, and in a round-about way intimated that he, Canning, could not think of Perceval's being Minister, which of course left Canning the only person to be Minister; and he intimated, that if either there was a Minister in the H. of Lords, or Perceval was Minister, that he (C.) must resign. This quick step appears to me, I own, to have been a mode of trying whether Perceval's attachment to the King would be so far taken by surprise, as to lead him, at the moment, to give way. Little P., however, was upon the alert: he stated his willingness to remain as he was, provided nobody *in the House of Commons* was put over his head, but he would not act under Mr. Canning as Minister, tho' upon equal terms with him he would act. Canning's present suggestions therefore seem to be, that he will resign. I think, however, he will make an attempt, professing to fall in with the purpose of having a Minister in the H. of Lords, to get somebody named who shall be entirely under his own influence; and if that scheme does not succeed, which I think it will not, he will retire; and will thus, in the attempt to gratify his ambition, have contrived to overthrow himself and all of us along with him: and this is called *serving* the King.

"There are but two things, which, in that case, can be done. The one is to attempt to strengthen the King's friends who hang together, by some junction of parties; the other to fight it out with such aid as we can get from our own party. I think Liverpool clearly is for the former plan; I think Perceval also is, but not so clearly, — he has doubts. I own I do not like it. In the first place, I think nobody, that joins from other parties, would join, unless I cease to be Chancellor; and, in the next place, I have an opinion about this thing called 'Junction of Parties,' which would disincline me to

remain Chancellor. I think it never strengthens anybody, and it does nobody credit. And that body of us, who have hitherto thought ourselves strong in public opinion, would lose the whole of the good opinion of the public. On the other hand I think it very clear, that if we stand alone, we must fall after a very short, — very, very short, — desperate conflict, with the Opposition joined by Canning and his followers. In the latter mode, I think the King will oblige us to fight the battle, at all hazards, if he can persuade us — but I am not sure he can persuade enough of us, to fight it so. Upon the whole I think it quite clear, either that some junction of parties will immediately take place, or that a change without a junction of parties will very soon take place. What will you think of politicians when I tell you that it has even been suggested, that Perceval should return to the Law and be made Chancellor, and that, to provide for keeping things together in this way, I should retire? Perceval himself told me this: he did not name Canning as proposing it, but I take, upon suspicion, that to have been so; and then, Perceval being Chancellor, Canning might be Minister. Perceval treated this as he ought.

"I thought you would like to know how things go on; and though, as they *are* going on, I can give no guess when I shall have the blessing of seeing you, it is quite manifest that either I shall return to you without the seals in my hand, which I think very probable, — or, if that is not so, that before Christmas they will not be in those hands. Immediately therefore, or shortly, those days will commence, in which we may, with God's blessing, fear no interruption of our happiness by any future, even temporary, separation between us. *This I write all to yourself.*"

In a letter to Lady Eldon, not dated, but franked September 13th, he speaks with some spleen of the two out-going Ministers, Mr. Canning and the Duke of Portland, who had been the cause of the disturbance.

"I think the individual, who has occasioned all this mis-

chief, is Vanity in a human form. Nothing will serve him but being what he will never be permitted to be; and I believe now, such is the imbecility of man, that the old D., who had resigned, is trying, in vain, to get back again."

Increased as the Chancellor's habitual disinclination to Mr. Canning had been by the feeling, that the break-up of the Cabinet was the consequence of his movements, it was not unnatural that these adverse sentiments should be still further aggravated by the particular suspicion, (imparted to Lady Eldon in the letter of the 11th of September) that Mr. Canning had been the author of the suggestion for taking the Great Seal out of his hands. In sitting down to correspond with his Lady he would of course have all these annoyances pressing on his mind, with the yet additional irritation, that Mr. Canning was the cause of his being, at that very moment, withdrawn from her society and from his needful recreation at Encombe: and, under these combined vexations, it will scarce be wondered at, that the motives of his colleague were harshly characterised in these letters. Those, who are old enough to remember that time, will very well recollect how generally this angry tone was taken by the high Tories, who treated it as an absolute offence, "that Mr. Canning should be setting up for himself." But however disagreeable it is to most men, to find the strength which they have long commanded, outgrowing their control and vindicating its own independence, they have surely no right to treat such a claim as an injury. The Tory party had been at least as much indebted to Mr. Canning, as Mr. Canning to them: and throughout these proceedings, while he asserted himself, he committed no injustice to

others. He sought the removal of Lord Castlereagh from the War-department, not that he might himself succeed to it, but that it might be committed to Lord Wellesley, whom he deemed, on public grounds, the fittest person to conduct it. When the Duke of Portland's resignation, and his own, had been announced, and a negotiation was begun for constructing a fresh Cabinet, he was legitimately entitled to take his stand, and to decline a renewal of his aid except upon the reasonable condition, that he should thenceforth hold a station of which the power should be commensurate with the responsibility. Then suppose him (which seems probable enough, though there is no other evidence of it than general presumption,) to have been really the originator of that which was of course, to the Chancellor, the great annoyance of all, the suggestion for placing the Great Seal in other hands, yet there was nothing reprehensible in the demand of one public man for the exclusion of another from a particular office in a new administration, unless they had been on some terms of friendship or personal cooperation. And although there is probably no one, who, looking back upon that great Chancellorship of a quarter of a century, would be of opinion at this day that Lord Eldon could, with eventual advantage to the public, have been removed from the Great Seal to make way for Mr. Perceval,—yet, in 1809, when these discussions were going on, Lord Eldon's reputation in the Court of Chancery was but of a few years' growth: and Mr. Canning, who would naturally estimate a Chancellor rather by a political than by a judicial standard, may very well be pardoned if

a political prejudice, certainly mutual, misled him to underrate Lord Eldon, as Lord Eldon underrated *him*.

Lord Eldon to his Lady. — (Extract.)

" My ever dear Life, " Thursday (Sept. 14th).

" One after another, all of us saw the King yesterday: he is more to be pitied than any man in his dominions: and one ambitious man is the cause of all he now suffers. Mr. C. thinks proper, that his determination not to act under a third person, or to do anything else but be himself Minister, should remain unshaken: and his resignation (is) certain. I am just going to a meeting of such of us as have hearts feeling for the King, to see what can possibly be done, as all attempts to bring matters to rights again have finally failed. I cannot, for one, see a ray of hope that anything can be arranged, which can have any endurance, — if indeed, any arrangement whatever can be made; — and yet the poor K., in language that makes one's heart bleed for him, urges that we should not run away from him. My head and heart are perplexed and grieved for my old master's sake; upon my own account I do not care a fig about it.

" Friday Morning (Sept. 15th).

" After a great many hours spent in consultations yesterday, to be succeeded by more to-day, among those in whom the King thinks he can still have confidence, we have formed, or shall form, opinions, which are to be offered to his consideration, and which he will adopt or reject, as he thinks fit. I still think that it cannot end in my remaining in office. I use the expression, in whom the King *thinks* he can have confidence, because I am sure there is scarce a man living, of whom he can say that he *knows* he may have confidence in him. I wish to God the thing was settled one way or the other! If I knew that I was to go out, I would come to you instantly, and stay over Christmas; if I knew I was to stay in, I could then know when and how I was to see you. Some of the plans proposed are what I do most greatly abhor, and I think they won't succeed. I have offered my office to the King, and told him, for I write constantly when I don't see

him, my likings and dislikings. 'For God's sake,' he says, 'don't you run away from me: don't reduce me to the state in which you formerly left me. You are my sheet anchor!' I fear the effects of his agitation and agony — and I do pray God to protect him in this his hour of distress.

* * * * * *

"May God's best and kindest providence watch over her who has the whole heart of *her* "ELDON."

Lord Eldon to his Lady. — (Extract.)

(Not dated; but written on Monday, Sept. 18th.)

"I proceed to tell you with much feeling, that the train of settlement we seem to have got into is all undone. Shocked as I am to say it, George Rose has declared his attachment to Canning, — Huskisson has done the same, — Charles Long won't abide by us, — Sturges Bourne has declared for Canning. As these are the four men of business, it appeared to us last night that, without junction, the King must be sacrificed; with it, I do not know how he is to be saved in any degree of comfort. We are to take the resolution as to what is to be communicated to him at a meeting to-day at one o'clock. I cannot help thinking but that it must, that it necessarily must, lead to my being restored to a life of privacy."

On the 4th of this month of September 1809, the family of Sir William Scott had been visited by the unexpected calamity of his Lady's death, which happened while Sir William was on a tour in Scotland. On this occasion, Lord Eldon, from amidst the sea of troubles in which he was struggling, wrote thus to Sir William's daughter, Mrs. Townsend, afterwards Lady Sidmouth:—

(Extract.)

"I learnt this morning where you are, and I take the first moment I can so employ, for the purpose of assuring you, in this hour of affliction, of my warm regard and affection for you.

I know, my dear Marianne, this is offering but little; but sad and painful experience has taught me that, in the hours of affliction, nothing better can be offered, in aid of the relief which submission and resignation to the will of Heaven may afford, than the sympathy of others, and their assurances that they grieve with those who grieve. In one word, my dear, may God bless you and yours!

* * * * * *

"My poor brother! I learn by a letter from him, received by me yesterday, that he was on Thursday last at the Duke of Atholl's,—meaning to go to Lord Melville's,—altogether ignorant of this calamity. I shall feel it to be my duty to attend on Saturday with those, who are there to join in the last sad offices of respect to the departed.

"I trust you have heard from Bessy, from Encombe, that they cordially condole with you.

"Believe me to be, my dear Niece,

"Yours ever affectionately,

"ELDON.

"Should you see my brother before I see him, offer him my heart's best affections."

"Tuesday, Bedford Square." (Sept. 12th, 1809.)

When Sir William Scott returned to his family after this affliction, Lord Eldon wrote to him in terms of the most affectionate condolence and consolation; and afterwards endeavoured to divert his grief by almost daily communications of the movements that were going on for the reconstruction of the Ministry.

Lord Eldon to Sir William Scott.—(Extract.)

(Not dated; probably written Sept. 18th, 1809.)

"Everything is as uncomfortable as possible. George Rose and Huskisson have made their option to follow the fate of Canning,—Sturges Bourne the same. Long says things won't do, and he proposes to separate. He thinks Lord Lonsdale will. Perceval has reason to believe the Dundases (Melvillites) also will. It is clear, therefore, this

Administration is gone. The prevailing opinion is, that the King can retain none of us, as able to form an Administration of ourselves, and must either throw himself into the hands of Grey and Grenville, mixing a few of us — or without any such mixture — or must try such an Administration as Canning can form.

"Lord Chatham is come home — declines coming to Cabinet. As an officer, coming from an expedition with his conduct not formally expressed to have been approved, he cannot. In truth, considering the disturbed state of Cabinet, he cannot but feel very uncomfortably as to what may be the issue of this business to himself.

"I have no other news."

Lord Eldon to Sir William Scott.

"Dear Brother, (Not dated; written probably Sept. 19th.)

"After sitting together till one o'clock this morning, we got the length of drawing out an opinion to be offered to the King (if Mulgrave could be got out of bed) this morning. It goes to coalitions in the way I told you I thought it would. I could see nothing else that could be thought of, and was obliged to submit. If it is accepted, of course I consider *myself* as gone. I think it will not be accepted: the effect as to me is the same, for then *everybody* must be turned out that is now in.

"George Rose begins to be in a quandary. His wife, son, and daughter, are upon his back. In reasoning with Bathurst, he stated his own resignation, if it takes place, to be of little consequence. He illustrates *that*, as Bathurst tells us, by assurances that, though it was generally thought Mr. Pitt could not have gone on without him, yet he vows he thinks that he might! His family ring in his ears "deserting the King." I dare say that by some foolish talk with C. he has got into a vast scrape.

"Long is off!

"Adieu for to-day. No news — no comfort.

"Ever dear Brother,

"Yours faithfully,

"ELDON."

Lord Eldon to Sir William Scott.

(Not dated; but written Sept. 20th, 1809.)

"Dear Brother,

"I write this merely to say that things look like junction with the persons I mentioned to you*, as far as proposing it tends to it. Perceval was with the King yesterday upon it. He would not give his consent: he took time to consider of it. I think he will finally consent to the proposition being made. I think the arrangement it will lead to, he will not consent to. He impatiently, and with great zeal, insisted upon my being retained, as I learn from a letter of P. to Liverpool; but all that won't do. I shall write you to-morrow what passes between him and me to-day.†

"God bless you,

"Yours,

"ELDON."

Lord Eldon to his Lady. — (Extract.)

(Not dated; Written Thursday, Sept. 21st.)

"My ever loved Eliza,

"After I finished my letter yesterday, I went to the levee, and I had an audience of the King for a full hour. His agitation and uneasiness were such as have left me perfectly agitated and uneasy ever since I left him, though, I thank God, I am quite well. I dare not commit to paper what passed, for fear accident should not bring that paper to the hands of my Eliza, and though I promised her a letter of particulars, the particulars that passed are really so very special in their kind, that I cannot communicate them even to her except in conversation — and would I could have that conversation! He would not decide what he would do, but said he should compose a paper at Windsor last night, and require from us written answers to several questions he should put in that paper, and order us to be convened to-day to consider the questions and give the answers; and accordingly we are summoned to meet at one o'clock at Perceval's; and I think it not unlikely, from what I know, that

* Probably the Lords Grey and Grenville.

† No such letter has been found.

we may sit there till one in the morning. By *we* I mean such of us as have not resigned or tendered our resignations."

Lord Eldon to his Lady. — (Extract.)

(Not dated ;
"My ever dearest, but franked, Sept. 22nd, Friday.)

"I had hoped when I wrote yesterday, that I should have been a great deal wiser to-day than I am. We waited at our meeting to a late hour, but no paper came from the King. I infer from this that he is in a most unhappy state of difficulty, and knows not what to do; and I greatly fear that something of the very worst sort may follow upon the agitation. If it pleases God to avert this greatest of all evils, we shall, I hope, have his paper to-day, and proceed in the consideration of it. But if he has taken *so much* time to consider it, I fear I must look to those before whom it is to be laid taking *some* before they can make up their minds, what answer they shall give to his questions and observations; and thus things train on from day to day, through a period of time which is very long, and seems longer and longer as it is protracted. This dreadful business of the duel between Castlereagh and Canning, whilst it is to be lamented on every ground, adds difficulty to difficulty, and I have no doubt will create a great deal indeed of additional uneasiness in the King's mind."

Lord Eldon to his Lady. — (Extract.)

(Not dated ; but written Saturday, Sept. 23rd.)

"After I wrote to you yesterday, I went to the meeting, and I there found that Perceval had received the King's paper, which is one of the finest compositions, and the most affecting, I ever saw or heard in my life. After discussing the strength which any Administration could have that did not include G. and G., he acknowledges that there would be a weakness in it, which a sense of duty to his people calls upon him, by every personal sacrifice not affecting his honour and conscience, to endeavour to avoid: he therefore permits his present servants to converse with them upon a more extended Administration than his present servants could them-

selves make, but declares previously and solemnly that, if any arrangement is offered to him which does not include such a share of his present servants as shall effectually protect him against the renewal of measures which his conscience cannot assent to, that he will go on with his present servants at all hazards, throwing himself upon his people and his God, — his people, whose rights, he says, he never knowingly injured, and his God, to whose presence he is determined, whenever he is called hence, to go with a pure conscience. He predicts, however, that though he, in duty to his people, submits to this mortifying step, they (G. and G.) will not allow any effect to it; and then addresses himself in the most pathetic strains to all his present servants, calling forth all their courage, their resources, and the discharge of their duty to him. Perceval and Liverpool, therefore, will talk with the two Gs.; and it will either end in a junction, with a good many of the present servants left, or we shall live for about a fortnight after Parliament meets. They cannot begin their conferences till about the middle of the week; and I should suppose, if they begin conferences, they will conclude them in the week. I shall not, however, be surprised if these gentlemen, the Gs., refuse to confer at all with Perceval and Liverpool, and I think they *will* refuse, especially if they have any understanding with Canning. The King has also written a most dignified paper upon the fact of two persons, yet having the Seals of Secretaries of State in their hands, fighting a duel. I doubt much whether he will permit either of them to make their formal resignations in his presence."

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Lord Eldon to Sir William Scott.

(No date; but written probably about Sept. 23rd.)

"Dear Brother,

"The immediate occasion of the duel was not what I know how to call a direct efficient cause.

"Canning's concealing from Castlereagh that *he* had got a promise that Castlereagh should go out after the expedition was terminated, and acting with him in the meantime as in full confidence, in matters of infinite delicacy, was the alleged cause of the demand of satisfaction.

"The letter, in which it was demanded, seemed to admit that this concealment was only *acquiesced in* by Canning, and *not observed at his instance;* but the letter contended that he, Canning, had no right to acquiesce in such a concealment,— that it was dishonourable between colleagues, and dishonouring him, Castlereagh, as a colleague and a gentleman; — that, though several others knew and concealed, they had done so under the hope of, and struggling to prevent, by amicable means, the removal of Castlereagh; — that Canning, on the other hand, though concealing it at the instance of others, was throughout all that concealment determined to insist upon (and, according to that determination, held throughout the concealment, finally did insist upon) the removal; — that others concealed from mistaken regard to Castlereagh — that Canning acquiesced in concealment from other feelings; — and that, though he had a right to say he would not serve with Castlereagh, he had no right to make Castlereagh believe he was acting cordially with him throughout the expedition, and then insist upon his being dishonoured at the end of it.

"I have been three times at the Duke of Portland's door, but have not seen him. I have not been able to see him since I came to town.

"I have no reason to believe that Perceval wishes to make Sidmouth premier. He would, I fancy, rather join *him* than any other body, and in principles the junction is more natural. But, on counting noses, and allowing for the dislikes and determinations of many of those he is now associated with, he and Sidmouth, without them, — (they) carrying away with them all Melvillites, Lonsdalites, &c. &c., — would be weaker than he, P., is at this moment alone. What is precisely meant about Melville cannot well be stated at this moment. Robert Dundas, who is here, thinks junction with Gs. necessary, but how much Melvillites are to contribute he does not say. Did I mention that Long had come back to us? Both Rose and Long have surely acted unwisely.*

"Love to Mr. and Mrs. Townsend.

"Yours ever affectionately, ELDON."

* In a letter to his Lady, of 20th September, Lord Eldon had said, "George Rose has repented, and leaves Canning.

Lord Eldon to Sir William Scott.

(Not dated;
"Dear Brother, Written probably about Sept. 25th, 1809.)

"Your note, which I received to-day, contains sentiments very much the same as my own. Rose and Long have done great mischief. Their secession and their representations have been very mischievous. This offer, which never will be accepted, is called a signal of weakness; but in truth, after Canning's movement, weakness is so visible and so apparent, as to want no pointing out. To this moment, as I hear, George Rose will have it that the Administration could not have gone on (even) if Canning had remained: and such men as Lord Lonsdale, with his host of members, will try what can be done if junction is refused, but will give no assistance if it is not offered. If it takes place, there is something horribly offensive, shockingly degrading in it — and feeling *that* most bitterly it was, that I asked you whether I was right in doing as the King might wish. For in truth, a sense of duty, even to him, will not bear me quite up in a state which I feel so disgusted at. Do you continue of opinion that that should be my *line?* Tierney, I hear, says they will not think of accepting; and all the world says they will never hear of me. Would to Heaven I was out and done with it! Robert Dundas is here; he approves of the course taken. What does that mean as to Melville? Yours,

"ELDON."

Lord Eldon to his Lady.—(Extract.)

(Not dated; but franked, Sept. 28th, Thursday.)

"I cannot bring my mind to think anything so proper or so good for me as to have done with office now, and to spend the rest of my days in some degree of quiet and retirement; but I am afraid, and indeed sure, that unless he is so driven to the wall as to be able to do nothing whatever that he wishes to do, he will make it a most difficult thing for me to quit his service. Yet I shall beg very hard, for in truth the labour of my office is too much for me in the time of business, and what recompense can I have for what — I speak from my present sufferings — for what I undergo, in having my time of vacation ruined as this is?"

37793

The Lords Grey and Grenville, as had been anticipated by Lord Eldon, declined the proffered junction.

Lord Eldon to his Lady.—(Extract.)

(Not dated; written on Monday, Oct. 2nd.)

"My ever dearest and most beloved,

"I told you in a little note, on Saturday, that I was obliged to go to Windsor: I was compelled to do it, and therefore I could not help myself. I was called up in the night, so as to set off exactly at three o'clock in the morning: and I was with the King from seven till a little after eight, engaged with him in a conversation, the most interesting, and affecting, and important, that I have ever had with man in my life. I shall soon, I thank God, I shall soon be able to state the particulars of it in my dearest Elizabeth's hearing, and these particulars I really dare not commit to paper. The general result is, that we stay in, making such arrangements, without junction, as we can,—standing of course till Parliament meets, and then standing or falling as that body will please to deal with us. I think we had better have resigned; but *that* the King would not hear of for a moment. I think going on, with the certainty of being turned out, would be better than junction: at least to me it is more acceptable; and if we are turned out, as we shall be, I shall have the satisfaction of remembering that I declined being a negotiator for junction, and have stood, throughout, the servant of no man or men but the King, and determined to abide by him and him only, to his last breath, or to my last breath, as far as I have anything to do with politics. After I left him, the Duke of Cumberland's Encombe servant I found waiting, to tell me that the Duke had just heard that I was there, and had got breakfast for me; and I was shown up to his apartments; and I received a great proof of his good nature and attention, as I thought it, and as he certainly meant it; for he had sent off for and got up William Henry from Mrs. Middleton's*, and he breakfasted with us at the Castle. This was a very pleasing incident. I had very little time to stay, and after sitting awhile and shaking hands with William Henry, who is very

* Eton School.

well, I returned here upon my business. Perceval will be First Lord of the Treasury in the room of the Duke of Portland. That is at present the only appointment settled. Lord Melville is behaving well; so is Lord Sidmouth. But what is most unexpected, the Prince has really conducted himself towards his father upon this occasion with exemplary propriety. The King showed me yesterday the Prince's letter to him and his answer; and I'll tell you all about them when I see you.

* * * * * *

"At the end of my conversation with him (the King) I asked his leave to return to Encombe. He said I should not go till after his levee on Wednesday, for he must see me there; that I might then put myself in my chaise, come to you without stopping, and stay with you to the end of the month. This was our bargain at parting; and I hope, therefore, to dine with you on Thursday. And of God I have no blessing to ask or pray for with so much of anxiety and importunity, as that nothing may interrupt this. I think nothing will or can. O that I was with you! For ever, and ever, and ever,

Yours, your own,

"ELDON."

Lord Eldon to Sir William Scott.

"Dear Brother, (Post-mark, Oct. 4th, 1809.)

"If you recollect at what vast distances men to be talked with are, you'll not be surprised that I have not filled up vacant offices in my correspondence. Melville must either be in office or be satisfied with being out of it. Now a letter to him, and an answer from him, and a reply to his answer, occupies thirteen days and a half. There's a hope that Lord Wellesley will take the foreign Secretaryship. He is in Spain. I think Bathurst will have it *ad interim*. One infinite difficulty about Sidmouth is, that every person connected with him must have *office* found for him: Bragge, Vansittart, Hiley, Hobhouse, &c. &c. Sidmouth's army are all officers and no soldiers. I suspect George Rose wants to be Chancellor of the Exchequer. As to calling Parliament soon, that will never do. Bets here go twenty guineas to one, that we never

face it. But odds are sometimes lost. I think we shall now have no Parliament on this side of Christmas.

"The silence of such of Cas.'s colleagues who knew of the matter cannot be well vindicated. With respect to myself, I feel uneasy; though the period at which I heard it, the personage (the K.) who told it me, and the injunction with which he accompanied a communication, which I must needs say he ought not to have made under such an injunction, give me a good deal to say for myself. But, in some degree, all who knew it have been — more or less blameable, but blameable.

"Nothing can be worse than the Walcheren business. But that business itself will grow worse and worse. The island must be evacuated, and I think you'll soon hear the Army accusing the Navy, and the Navy accusing the Army, as the cause of the failure. There will be warm blood in the two services.

Harrowby, I think, will go to the Board of Trade, if he continues to exist: he is very ill. If you don't hear from me on Friday, I shall have gone to Encombe to bring my family home, with such leave of absence as the King to-day shall offer me. I shall not ask any; but I have had a hint that he means to press a short absence on me. In fact I have got to the full extent of all the good I can do here. Kind regards to Mr. and Mrs. Townsend. Yours,

"ELDON."

Lord Eldon to Sir William Scott.

(Not dated; but written at Encombe, Oct. 7th, 1809.)

"Dear Brother,

"As I intimated it was likely, I set out after the levee, about eight at night on Wednesday, for this place, and I got here late on Thursday, though I did not stop on the road. I lay so long in bed on Friday that I lost the post, and this I write on Saturday evening for to-morrow's post, Saturday not being post day here. I shall have all things packed up here, that we may all return on a moment's notice to me to come back. After the full explanation I have given of all I have to say on the present business, I do not know why I

should be called up, but I take it for granted I shall, and therefore shall have my household as well as myself in a complete packed-up state. The Duke of P. gave me a fair opportunity enough, for he took occasion to tell me, that, let what would happen, I must not leave the King: he would not endure it,—that is, he, the King, would not. I replied, that I thought if there was a junction, the new ones would not endure me, and that I was hurt to find that, among the old ones, those, whose confidence I thought I had, had been represented to be ready enough to suggest my separation from office and therefore from the King, without even the mention of it to me. He was apparently embarrassed, said nothing, and looked foolish. I should have pressed him to the quick, but a man labouring under the torment of the stone at the moment was an object of pity. Of my fact I am sure: there are so many witnesses to it, that there can be no mistake. Of a variety of propositions as to filling offices I suppose none had come to a conclusion yesterday, as I have no letter to-day.

All here desire love to you, and Mr. and Mrs. Townsend, and I am ever affectionately yours,

"Saturday." "ELDON."

Extract of a Letter from Mr. Perceval.

"My dear Lord, "Downing Street, Oct. 14th, 1809.

"I enclose you Lord Melville's answer to me; you must be so good as to return it. Vansittart, I think, is hopeless. I propose making one other attempt at a Chancellor of the Exchequer, and if that should fail, I must proceed to fill up the Treasury Commission upon another principle. I mean to apply to young Milnes, the Member for Pomfret. He will not be of the same use to me as Vansittart, but he will be of great service, if we can secure him actively with us."

Lord Eldon to Sir William Scott.

"Dear Brother,

"By a letter from Perceval to-day, I find you guess better than I do. Lord Melville seems determined to knock us all on the head. I cannot reconcile his conduct to itself, nor his

letter to his letters. He has now written to Robert Dundas to dissuade him from *keeping* the Secretaryship he has accepted: in his former letters intimating no unwillingness that he should have it. The world is turned topsy turvy.

"Yours,

"Wednesday Night" (Oct. 18th). "ELDON."

In the beginning of October, Mr. Perceval had succeeded to the station of First Lord of the Treasury, retaining with it his former office of Chancellor of the Exchequer. At the end of the same month the Duke of Portland died. Although this nobleman had occupied the place of First Lord of the Treasury, he had been but nominally the head of the Administration, of which the chief directors had been Mr. Perceval, Mr. Canning, Lord Castlereagh, and the Chancellor. The arrangements for its reconstruction were therefore little, or not at all, impeded by his death. The Marquis Wellesley, to whom an overture had been made on the refusal of the Lords Grey and Grenville to lend their assistance, succeeded Mr. Canning as Secretary of State for Foreign Affairs,—the Home Office being committed to Mr. Ryder, in the room of Lord Liverpool, who took the department of War and Colonies vacated by Lord Castlereagh.

CHAPTER XXIX.

1809.

VACANCY IN THE CHANCELLORSHIP OF OXFORD. — LORD ELDON A CANDIDATE, AGAINST LORD GRENVILLE AND THE DUKE OF BEAUFORT. — LETTERS OF LORD ELDON TO SEVERAL MEMBERS OF HIS FAMILY. — LORD GRENVILLE ELECTED. — LETTERS, OF LORD ELDON TO HIS FAMILY, AND OF THE KING TO LORD ELDON, AND EXTRACT FROM THE ANECDOTE BOOK RESPECTING THE CONTEST.

WHILE the arrangements for the reconstruction of the Cabinet were still in progress, a new subject of interest for Lord Eldon arose, out of the vacancy which the death of the Duke of Portland, on the 30th of October, occasioned in the Chancellorship of the University of Oxford. When it was first suggested to Lord Eldon, to offer himself for that honour, his own inclination was to disclaim all pretensions to it; and he so expressed himself to his usual confidant, Sir William Scott, in a letter of which some extracts follow, relating to this and other topics.

Lord Eldon to Sir W. Scott.—(Extract.)

"As to the prosecution of the 'Morning Chronicle,' and as to *your friend* Cobbett, I know what I should have done as to those publications long ago, if I had been Attorney-General; but it seems to me that ever since my time it has been thought right to leave the Government's character, and individual character, without the protection of the law enforced, because I had proved its efficacy when it was called into exertion. I am very sore upon this subject; I have

growled and grumbled about it till I am weary. As to Cobbett, I am quite out of patience about those who will take in his paper; but I observe that all my friends, in short everybody one knows, abuse him, but enjoy his abuse, till he taps at their own door, and then they don't like the noise he makes —not a bit of it.

"As to the Chancellorship of the University, brother, it really seems impossible to be decisive about it. If it is *necessary* that I should be so to others, or to you at least, I have no possible alternative, if I am ever so wrong in that view of it, but to say positively *No.*"

A few days, however, brought a direct proposal from a powerful party in the University; and Lord Eldon, believing it ascertained that the Duke of Beaufort, who had been much spoken of as a candidate, had resolved to decline the contest, now permitted himself to be put in nomination, and entered warmly into the spirit of the election, as against Lord Grenville, whom he expected to find his only competitor.

Lord Eldon to the Honourable Mrs. Scott, (the Widow of his eldest Son). — (Extract.)

(Not dated; written probably Nov. 1809.)

"After what passed between you and me about *honours,* you will be surprised to hear that I am involved in a contest about a very great honour. But I think it my duty *myself* to let *you* know that, *to my own great surprise,* I am so involved—I have been, as I thought, compelled to accede to the request of a considerable and respectable body of Oxonians, expressed to me in the most pressing terms, and urged upon the grounds of great public principles, to allow them to name me as a candidate for the Chancellorship of Oxford. The attainment of this honour, or disappointment of their endeavours to succeed for me in this matter, as they have involved me in it, cannot but be deeply interesting to all, who, in any way, wish to add to the respect and regard in which I, or those who may come after me, may be held in this country; and it is

therefore fit you should have a communication from myself upon it. Lord Grenville is the other candidate. If principles of such importance as those, upon which the request to me has been put, are really at issue, I wish the request had been made to some person of higher character and consequence in the state; and though I should never have thought of offering myself to a contest, in which disappointment must affect my family as long as my name shall be remembered, I could not possibly avoid compliance with that request which has been addressed to me. And lest disappointment of the views of those who make the request should be the result, I am anxious to assure *you* that I am no volunteer in the business. There is a canvass on the other side, carried on in a way that I cannot reconcile to my old ideas of Oxford delicacy. I cannot follow the example of those who are so canvassing, but I shall leave the matter to the decision of those who may think proper to support me upon public grounds, or who, having any personal attachment to me, or any who may be considered as belonging to me, may think it right to aid the endeavours of those who have brought forward my name. I am surprised at the extent of support which I hear is already offered me.

"With love to John and you,

"Yours truly,

"ELDON."

It was not long before the prospects of the election began to be overcast.

Lord Eldon to the Rev. Matthew Surtees. — (Extract.)

(Not dated; probably written Dec. 1809.)

"After it was fully understood that the Duke of Beaufort had refused to be a candidate, and some of his nearest connections had canvassed for me, he has become a candidate. This makes confusion more confused; but I shall stand it out, as I have consented to stand — for I cannot be made a fool of with my own consent; and therefore, if both the D. of B. and I go to the wall, and Grenville succeeds, my consolation is that I am not to blame. Yours,

"ELDON."

At the time when this contest was in progress, the

tenure of the Ministry seemed by no means secure, and the apparent probability that, at a time not far distant, Lord Grenville might become the leader of a Government whose Chancellor would *not* be Lord Eldon, had a strong operation upon the "independent," or trimming, class of Oxford voters. The Whigs conducted the struggle with their accustomed zeal and activity. Christ Church, Lord Grenville's own College, made a powerful muster in his behalf: and Dr. Hodgson, the Principal of Brasennose, which is the body next in influence to Christ Church, is reported to have declared that for some weeks preceding the contest, he never quitted the precincts of his College, but occupied himself on the spot, without remission, in writing to canvass absent voters and managing the necessary preparations for the election.* With all these efforts, however, the Whig party would have made a very inglorious conclusion, had not the interest of their opponents been divided.

Lord Eldon to Sir William Scott.—(Extract.)

(Not dated.)

"The King to-day said it would be hard if Cambridge had a Unitarian Chancellor†, and Oxford a Popish one."

On Wednesday the 13th of December the polling began. It lasted through that day and night, and part of the next day, and terminated about ten o'clock on the night of the 14th: the result was, that the Duke of Beaufort obtained 238 votes, Lord Eldon 393, and Lord Grenville 406.

* Law Magazine, No. XLIV.

† The third Duke of Grafton, then Chancellor of Cambridge, was a Unitarian: Lord Grenville, then candidate for the Chancellorship of Oxford, was the leading supporter of the Roman Catholics.

To lose so important an election, and by so small a number of votes as thirteen, was matter of considerable annoyance; especially in a case where it was quite clear that the Beaufort party, whose pertinacity prevented Lord Eldon's success, had no probable chance for their own candidate.

Lord Eldon to Sir William Scott.

(Not dated; probably Dec. 1809.)

"My dearest Sir William,

"You desired me to write soon. I do so to say that I am as stout as you could possibly wish me to be. I have had words, and, dignifiedly, angry words, with those who have given no support, and from whom I had a right, as I think, to demand the most effectual support. I have written to the King, to know whether any part of my conduct could justify the Oxford reports, that I had not his support, or that he was hurt that I did not give way to Beaufort. From him I have had a satisfactory letter. I still think that I can't remain (with the public opinion that I have not been supported) where I am; and I persuade myself that if I feel compelled to retire from my great office, because I don't choose to sacrifice the pretensions of a man long labouring for the public, to a fox-hunting Duke, I shall not fail to have your approbation. I have received a letter from the Duke of Richmond, in answer to a complaint of mine, that he had no reason to believe I had the support of Government!!!

"As to what I am to do about the High Stewardship, I am willing to pause: but, upon looking into the Statutes, and my oath of office, I may be called upon to do what I never will do.

"The short result seems to me to be, and perhaps the best result, that a few weeks will send me to dear Encombe as a resting-place between vexation and the grave.

"Yours ever affectionately,

"ELDON."

The King's letter, referred to in the foregoing note, was this:—

"Windsor Castle, Dec. 16th, 1809.

"The King has received the Chancellor's letter, and sincerely concurs with him in lamenting the issue of the contest at Oxford, both on public grounds, and from motives personal to the Chancellor. His Majesty desires the Chancellor will feel assured that he has approved his conduct throughout the whole course of this business, as well by allowing himself to be named a candidate, and as continuing so to the close of the poll: his Majesty being very sensible that he could not, with honour or with advantage to the general cause, retire, after his friends had been engaged to support his well-founded pretensions. GEORGE R."

Lord Eldon to the Honourable Mrs. Scott. —(Extract.)

(Written, in a fit of the gout, probably Dec. 1809.)

"Although, as far as my observation goes upon what is passing in human life, failure always in some degree affects character, I have all, in the circumstances of this business, which can alleviate feeling upon that account. I have been supported by a vast number of most excellent, learned, and worthy men, upon public principle. Without effort of my own, against the unprecedented efforts of others,—efforts which have reduced Oxford to the state of the worst borough as to election practices,—I had the actual majority, and should have succeeded if the return made to me for the handsome manner in which, at the beginning of the business, I conducted myself to the Duke of Beaufort, had not been, that, to disappoint me, his friends, as I am assured, at the close of it, voted for Grenville, whilst his committee refused to permit any of them to vote for me. Aristocratic combination beat me, and without combination it could not have hurt me. Of private ingratitude I have seen much, that gives more pain than the gout. Ingratitude bites hard. It gives me great comfort that you have reconciled yourself to the event, and I know you would not have done so, if you did not think that I ought to reconcile myself to it. I beg to thank your brothers for their votes: and I am not the less obliged because the event was unsuccessful. I hear the Vice-Chancellor's communication of the event has given offence to the person

to whom it was addressed: as given to me, it was made in this dry form, — 'My Lord, it is my duty to inform your Lordship that you are elected Chancellor of this University. I have the honour to be your most obedient servant.' — The King is very angry. He has sent me a very handsome letter, approving of my conduct from the beginning to the end of the business. Some about him behaved sadly in misleading themselves and the Duke of Beaufort."

Lord Eldon to Sir W. Scott. — (Extract.)

(Not dated; probably about the end of 1809.)

"If I doubted the King's good faith, I should not hesitate one moment; but considering what we were pledged to, with reference to *him*, before this unfortunate business was engaged in, — to stand by him on *his* account, and on *that only*, — if he has kept good faith, I doubt whether I can contribute to the *immediate* destruction of the Administration by my resignation, and whether then I shall not be told that I have ruined the K., as I have ruined the D. of B., more especially as the question of its existence, if I remain, is probably a question of a week or a fortnight. Independent of this, all my own reasoning, and every fact you state to me, make resignation the step I ought to take; and this I must discuss with you when I see you. Yours,

"ELDON."

These letters evince that the Chancellor felt more pain from his defeat than he chose to acknowledge to others, or perhaps even to himself. Many years afterwards, when the vexation had been assuaged by time, he wrote a calmer record of the whole matter in the Anecdote Book, thus: —

"Upon the death of the Duke of Portland, the heads of Baliol, Worcester, and Oriel colleges, Dr. Parsons, afterwards Bishop of Peterborough, Dr. Landon, and Dr. Eveleigh, proposed to me to be a candidate for the Chancellorship of Oxford. I had

reason to believe that the King, George III., was anxious that the Duke of Beaufort should be chosen. I waited upon his Majesty, informing him of what had passed, mentioned that I had collected, from what his Majesty had occasionally dropped in conversation, that I conjectured that his Majesty wished that the Duke of Beaufort should succeed the Duke of Portland; and that I should feel it to be my duty to promote the gratification of his Majesty's wishes to the utmost of my power. His Majesty was pleased to express much satisfaction at having received this mark of attention, and, having avowed a strong feeling in favour of the Duke of Beaufort, I declined to be a candidate. In the course of two or three days the King sent for me, and told me that as I behaved so handsomely to him with respect to this matter, he thought it incumbent upon him to be himself the person to inform me that the Duke of Beaufort would not be a candidate, and that therefore it was now his personal command that I should be a candidate. The contest then began between Lord Grenville and myself; but many days had not passed, before the Duke of Beaufort either offered himself, or allowed himself to be proposed, as a candidate. His Majesty again sent for me, and, upon being admitted to his presence, he insisted upon my continuing a candidate; he said he was too anxious about my honour to allow me, in these circumstances, to give way to the Duke, and that he had too much respect for the members of the University to permit them to be thus trifled with. The contest proceeded. The Duke of Beaufort's voters were few in comparison with the number of those who voted for me, and with those who voted for Lord

Grenville. On the evening before the final close of the poll, as my friends informed me, my success was certain. But on the morning on which it closed, as they also informed me, Lord Grenville received from the Duke of Beaufort's committee such a number to vote for him, instead of voting for the Duke, as gave Lord Grenville a very small majority. I have mentioned these circumstances, as accounting for my presuming to be a candidate for this high office in conformity purely with the wishes of others, and as accounting for the disappointment of their wishes."

CHAPTER XXX.

1810.

OPENING OF SESSION.—REVERSION BILL.—LORD COLLINGWOOD.—LETTER FROM PRINCE OF WALES TO LORD ELDON.—CAPITAL OFFENCES: CERTAINTY OF THE PUNISHMENT.—CATHOLIC QUESTION.—COMMITMENTS FOR CONTEMPTS.—ATTEMPTS TO STRENGTHEN THE MINISTRY: LETTERS OF MR. PERCEVAL AND LORD CASTLEREAGH.—LETTER OF SIR VICARY GIBBS ON THE CANADIAN CONSTITUTION.

THE Session began on the 23rd of January 1810, and was opened by Commission. The King's speech was, as usual, read by the Lord Chancellor, who, being oppressed by illness, withdrew from the House soon after the beginning of the debate. The chief topics of the speech were the events of the war, and the necessity of vigorous perseverance against the enemy.

During the earlier months of the Session, the conduct of naval and military affairs, particularly with reference to the failure of the Walcheren expedition, to the services of Lord Gambier, and to the still more important achievements of Lord Wellington, were the most interesting subjects discussed in the House of Lords; but in the debates on these matters the Chancellor took little part.

The second reading of a bill for preventing grants of offices in reversion, was moved on the 26th of February, by Earl Grosvenor.

The Lord Chancellor opposed the measure. He did not

deny that some good might be effected by judicious regulation, — by the curtailment of emoluments in some cases, and by their total abolition in others. Without inquiry, however, it would not become their Lordships to legislate upon the subject: and no inquiry, he believed, would warrant the House in going to the length proposed in this bill. Whatever the censure which he might incur for his dislike to innovation, he never could consent to legislate in the dark: but he protested against being considered as the enemy of all reform, merely because he was averse to reform which he could not understand. He had himself procured reversions for members of his own family, as former Chancellors had done; and certainly without the smallest conception that he was doing any thing of an objectionable nature. Having done this, he now desired to avow it; though certainly the value of the offices so bestowed by himself, altogether, was not sufficient to make the validity or invalidity of the gifts, a matter of any great uneasiness to the expectants.

The bill being rejected, a fresh one was introduced, differing in some particulars from the former, but aiming at the same general object. In taking away from the Crown the power to grant reversions of its own authority, the new bill provided that they should be grantable on address from either House of Parliament.

To this provision the Lord Chancellor, on the second reading, 17th May, especially objected, and said that by these means the patronage of the King would be transferred to the Lords and Commons. In an economical view he could see little advantage from such a transfer, and in a constitutional view still less.

The second reading was negatived without a division.

Lord Eldon told Mrs. Forster he was present at the funeral of his school-fellow Lord Collingwood, who died on the 7th of March in this year, 1810.

"It was very affecting," said Lord Eldon, "his sailors crowded so around, all anxious to see the last of their commander. One sailor seized me by the arm, and entreated I would take him in with me, that he might be there to the end. I told him to stick fast to me, and I did take him in; but when it came to throwing some earth on the coffin, (you know the part of the service, 'dust to dust,') he burst past me and threw himself into the vault: it was very affecting.—Collingwood at school was a mild boy; he was in the same class as my brother Harry; but he did not then give promise of being the great man he afterwards became; he did not show any remarkable talents then."

"Lord Collingwood and I," (said Lord Eldon to the Hon. Henry Legge soon after the battle of Trafalgar,) "are memorable instances of the blessings to be derived from the country of our birth and the constitution under which we live. He and I were class-fellows at Newcastle. We were placed at that school, *because neither his father nor mine could afford to place us elsewhere;* and now if he returns to this country to take his seat in the House of Lords, it will be my duty to express to him, sitting in his place, the thanks of that House (to which neither of us could expect to be elevated) for his eminent services to his country."

In the Anecdote Book Lord Eldon writes:—"I heard Lord St. Vincent say, that Collingwood's conduct after the battle of Trafalgar in destroying, under difficult circumstances, the defeated fleet, was above all praise. The late King (George III.), who had finally the highest opinion of Collingwood, expressed

to me his surprise, how a naval officer could write so excellent a despatch as that which contained Collingwood's account of the battle of Trafalgar, 'but,' added the King, 'I find he was educated by Moises.'"

In the month of May, another letter was addressed to the Lord Chancellor by the Prince of Wales on the subject of the Princess Charlotte's education. Its tone evinces that by this time the uniform fairness and discretion of the Chancellor had much softened the acrimony of the Prince. His Royal Highness, after signifying his concurrence in the King's choice of Mr. Archdeacon Short as Sub-Preceptor to the Princess Charlotte, proceeds:—

"I cannot conclude this letter without expressing to your Lordship the sincere gratification, with which I have received, through your Lordship, his Majesty's sentiments respecting this most interesting subject: and I trust to the very particular attention which has marked your Lordship's proceedings through the whole of this business, to take the most suitable course of conveying to the King, with the most profound respect and duty on my part, the feelings with which I am impressed on this occasion by his Majesty's most gracious and condescending attention to me.

"I am, my Lord, very sincerely yours,

"Carlton House, May 8th, 1810." "GEORGE P."

The subject of capital punishment, which had now begun to occupy public attention, was brought under the consideration of the House of Lords on the 30th of May, by the motion for the second reading of a bill to abolish the punishment of death in cases of privately stealing to the amount of five shillings in a shop.* This was a bill proposed and carried by Sir Samuel Romilly in the House of Commons; but the argu-

* See 10 & 11 W. 3. c. 23.

ments which prevailed there were at that time regarded by the Upper House as too speculative to be safe. Lord Ellenborough led the Opposition to the bill, by moving that it should be read a second time on that day three months. The Lord Chancellor took the same side.

"I feel great doubt," he said, "whether I can accede to the principle that the law should apply a fixed punishment to every case within a certain definition, excluding all consideration of the particular circumstances; or whether it may not be more advisable to leave the law on its present principle, which trusts to the discretion of the Judge to distinguish between the different shades of the same offence. The necessity for this discretion very often exists, and I think the Judge should not be divested of it. Without it, great violence might be done to justice and humanity.

"In the Court in which I once had the honour of presiding as Judge, I remember a whole family of persons were indicted for stealing a single sheep. It was a case of peculiar hardship. These poor people were driven to the commission of a capital crime by the pressing calls of famine—exhausted nature, no longer able to bear the restraint of human laws, threw aside every consideration of honesty, and these unhappy wretches committed an offence which subjected them to a capital punishment. Now, my Lords, no man living could say that this was a case where the Judge should have no discretion. There is no man living who could go through such a trial without feeling that he should commit a greater crime than the unhappy wretches themselves, if he permitted the law to take its course.

"I shall now mention a case where the principle is applicable the other way. During the short time I had the honour to be Chief Justice of the Common Pleas this remarkable case occurred before me. A man was indicted for stealing a horse, of the small value of seven shillings and sixpence, and which he had sold for that sum to a horse-butcher. The jury found him guilty, and you will be surprised perhaps to learn, that for so trifling an offence I suffered the law to take

its course. The punishment of death, for this offence only, might appear extremely harsh; but, my Lords, in this instance, I was guided by the nature of the evidence in the course of the trial, the detail of which I have now fresh upon my memory. It appeared, I think, that on the prisoner were found skeleton keys of all the turnpike-gates within twenty miles of London, which he had manifestly procured for the purpose of carrying on the regular business of a horse-stealer. *

"Now, these are the difficulties which would constantly arise in the administration of a law, prescribing a punishment incapable of being modified. On the one hand, you would be leaving heavy offences inadequately punished; on the other, you would be visiting light ones with unjustifiable severity.

"For the purpose of preventing crime, the certainty of the punishment, it is said, and not the severity of it, is the efficacious principle. It may be so; but no man will say, upon the question of terror, that the threat of that extreme punishment has not a great effect,—an effect not alone upon the offender himself, but upon the rest of mankind. And when we talk of the severity of the punishment, the objection to the law is much diminished by the practice of it; for it is severe only by its frequent execution, whereas in practice its execution is extremely rare. It is needless for us to differ about theories, if the practice reconciles the difference."

The bill was thrown out by a majority of 31 against 11.

The anecdote of the starving family, and the argument founded on it, so far as they respect the mere policy of capital punishment, are open to the answer, that if this punishment had been *abolished in all* cases of sheep-stealing, which is what its opponents were

* It was perhaps an unjustifiable law which annexed such a penalty to horse-stealing under any circumstances; but that was not the received opinion forty years ago: and if such a law was ever to operate at all, this was the sort of case to which it seemed most applicable.

prepared to recommend, there would have been no room for the inhumanity apprehended by Lord Eldon in that particular instance. But the case of this starving family had a very important bearing upon the general proposition, maintained in Lord Eldon's speech, that punishment may more safely be left in the discretion of the Judge on each particular set of facts, than be assigned without remission to all offences of a given denomination, whatever the shades of difference in the circumstances. For, however low the law might fix the penalty, for instance, of sheep-stealing (and a general penalty for so grave an offence could hardly be fixed at a lower point than imprisonment for a year), even that lowest general penalty would be too severe for a family betrayed into such a theft by the dreadful extremity of starvation, and yet would then be incapable of mitigation except through a correspondence with the Home department in each particular case: while it is equally obvious that the same average penalty would be vastly too light for a systematic depredator on the flocks of his neighbours. Upon such a felon, or upon the horse-stealer mentioned in the succeeding passage of the same speech, almost any amount of secondary punishment would be fitly inflicted. With regard to the argument that the prevention of crime depends rather on the certainty of the punishment than on its severity, it may be observed that punishment unduly severe is little likely to be inflicted in the temper of the present times; and that the sort of certainty, required to deter offenders, is not a certainty of the *precise degree* of punishment annexed to each act of criminality, but a certainty that every criminal will be overtaken by

such a punishment as (though it shall not exceed a pre-enacted maximum) shall bear some proportion to his moral guilt. Indeed the opposite argument would go to the extent of excluding the Royal prerogative of mercy in all cases, except where the conviction should be found to have been unwarranted by the evidence.

The 6th of June brought under the notice of the House of Lords certain petitions from the Irish Roman Catholics, which the Earl of Donoughmore, on that day, moved to refer to a Committee of the whole House.

The Lord Chancellor, in opposing this motion, desired to know what its supporters proposed to do in the Committee they were about to vote for? He was too sensible of the blessings of the civil and religious liberty enjoyed in this country to risk them on a speculation of which the grounds were not distinctly laid. From the expression of these opinions he was not to be deterred, and he would continue his support to the Protestant Church *as by law established*, although that adherence might bring down upon him, from some quarters, the appellation of a bigot. He did not mean to say, that propositions might not be brought forward by the Roman Catholics which would deserve the most earnest attention. But when the House was asked to remove the bulwarks and safeguards of the Constitution established in 1688, by that Revolution which seated a Protestant Sovereign on the throne, which declared that all his successors should be Protestants, and which established a Protestant Government, civil and religious,—he did think it but reasonable to inquire, before they went into Committee, what was to be substituted in the room of that which it was thus proposed to remove. At present the House did not know, but that what was proposed by one might meet the disapprobation of another; nay, they knew not what the petitioners themselves might be pleased to accept; and were they, in these circumstances, to

go into a Committee, to consider what offer they should make to persons by whom all practicable proposals might be rejected? For himself, in or out of a Committee, he could never consent to grant the extent of privileges demanded in the prayer of these petitions. The principle of the Veto, or Royal negative, on the appointment of the Roman Catholic Prelates, had been strongly pressed upon the Roman Catholic body by Lord Grenville in his letter to Lord Fingal. That letter amounted to an assertion that security ought to be taken against the danger to which the proposed innovation might lead. It likewise showed an opinion to have been theretofore entertained by the supporters of the Roman Catholics, that the Veto would be conceded when the desired privileges should be offered on that condition. It was a concession which, in his opinion, amounted to absolutely nothing; but what would have been the consequence if the House had gone into a Committee under the impression that it was a substantial and attainable security? Why, the consequence would have been, that their Lordships, coming out of the Committee would have offered to the Catholics an arrangement which the Catholics as it turned out neither would nor could accept. Consistently with the conscientious discharge of what they regarded as their religious duty, they could not accept those terms; and if they did, they would be worse subjects than if they refused them, inasmuch as becoming dishonest men, they could not be good subjects. He begged to be understood as not holding the notion that any man ought to be incapacitated from civil rights by reason of religious opinions; the enactments against the Catholics were meant to guard, not against the abstract opinions of their religion, but against the political dangers of a faith which acknowledged a foreign supremacy. The change now proposed was in direct contradiction to what their ancestors had supposed to be the constitution: whether they were right or not in that supposition was a matter which he would not take upon him to decide. It was a change which would not only affect the Roman Catholic claims, but alter every religious institution in the country, the situation of the Church of England as much as the situation of the Roman Catholic church. He

would not go darkly into a Committee, where, for aught he knew, propositions might be made, which, if effected, might in a few months bring the Protestants, instead of the Catholics, to be the objects of the noble mover's pity.

The majority against the motion was 154 to 68.

Earl Grey's motion, on the 13th of the same month of June, for an address to the Crown on the state of the nation, having been met by Lord Stanhope with an amendment, in which the commitment of Sir Francis Burdett by the House of Commons, for a contempt, was brought forward as a prominent subject of censure,

The Chancellor, in answer to Lord Erskine, who had concurred in this view, shortly vindicated the right of either House of Parliament to commit for contempts, by analogy to attachments for contempts against the courts of ordinary jurisdiction — a description of process which, he said, was as much a part of the law of the land, as the trial by jury itself.

The amendment was negatived, without a division, and the original motion rejected by a majority of 134 against 72.

The Session closed on the 21st of June, with a speech delivered by the Lord Chancellor in his Majesty's name. The debates in both Houses of Parliament had been frequent and stormy: the Ministry felt that they possessed but little of the public confidence, and indeed they were retained in office mainly by the country's experimental distrust of the Whigs. Some efforts were made therefore in the autumn to strengthen the Cabinet, particularly in the House of Commons: and for this purpose Mr. Perceval addressed proposals to Lord Castlereagh, and several other persons of consideration, which, however, produced no immediate accession of strength. Lord Castlereagh's answer

was communicated by Mr. Perceval to the Chancellor as follows: —

"My dear Lord,

"The following is a copy of what I received this day from Castlereagh: —

"'My dear Sir,

"'Having protracted my journey longer than I had intended, I 'did not receive your letter of the 22nd ult., till yesterday on my 'landing.

"'Desiring to express in suitable terms, to you and your col- 'leagues, my sense of the sentiments you are pleased to express 'towards me personally, I am not less sensible of your attention in 'relieving me, by the mode of your communication, from the neces- 'sity of declining, in any more formal manner, a proposition which 'it is conceived might contribute to the advantage of his Majesty's 'service.

"'It is unnecessary for me to trouble you with the considera- 'tions, in detail, which suggest themselves to me upon the reason- 'ing which you have taken the trouble so fully and candidly to 'open. It is enough that I should express my own firm persuasion 'that an arrangement of the nature you propose (even were all the 'obstacles to the cordial consolidation of the arrangement itself 'successfully surmounted) could not command the public confi- 'dence, or inspire the nation at the present moment with an im- 'pression, that the Administration, intrusted with the management 'of affairs, was really united within itself.

"'Under these impressions (I trust not inconsiderately formed 'or resulting from any unbecoming feelings of a personal nature) 'I need hardly add, that were the offer in question made to me, it 'would be impossible for me to hesitate in soliciting his Majesty's 'gracious permission dutifully to decline it.

"'Believe me, my dear Sir,

"'Very faithfully yours, &c.

"'(Signed) CASTLEREAGH.'

"I must confess the above is much what I expected it to be — and so ends our negotiation — and the consequence, I trust, will be, that we shall all be determined to do the best we can to stand firmly and unitedly by ourselves, when we find we cannot mend matters.

"Yours most truly,

"Downing Street, Sept. 8th, 1810. SP. PERCEVAL."

Among Lord Eldon's papers is a letter addressed to him in September 1810, by Sir Vicary Gibbs, then Attorney-General. The following extract from it is remarkable, with reference to the justification which recent events in the Canadas have given to the opinions it expresses: —

"I was prevented, by a mistake, from meeting you at your consultation upon the perplexing state of affairs in Lower Canada. We may drive it off to a session after the next, but at last it will lead to a very troublesome discussion. I have read an account of the progress of the bill which gave them that constitution, in the Annual Register for 1791, and it contains a curious detail of the history and motives of the opposition to it. At present it seems to operate practically in support of a French interest, and of the Roman Catholic religion, and I see no possibility of giving it, in its present form, a different direction. To restore the constitution of 1774 would not, I think, be borne. To re-unite the two Provinces would be difficult; and, without a great alteration in the proportion of representatives, would hardly be effectual if it were carried. Their legislature now bears the form of a British Parliament, with a French House of Commons — than which nothing can be worse."

CHAPTER XXXI.

1810, 1811.

PERMANENT ILLNESS OF GEORGE III.: MEETING OF PARLIAMENT: LETTER OF THE QUEEN TO LORD ELDON: DELIBERATIONS OF PARLIAMENT ON THE MODE OF SUPPLYING THE EXECUTIVE POWERS: STRUGGLE OF PARTIES: MINISTERIAL PLAN FOR INVESTING THE PRINCE OF WALES WITH A RESTRICTED REGENCY: REMONSTRANCE OF THE ROYAL DUKES: LETTER OF THE DUKE OF CUMBERLAND TO LORD ELDON: FISCAL DIFFICULTY IN DEFAULT OF SIGN MANUAL. — ADMISSIBILITY OF PROXIES IN COMMITTEES OF THE HOUSE OF LORDS. — OFFER OF REGENCY ACCEPTED BY THE PRINCE. — COMMISSION FOR THE REGULAR OPENING OF THE SESSION. — PROPOSAL FOR COMMITTING THE CONTROUL OF THE ROYAL HOUSEHOLD TO THE QUEEN: ATTACK OF LORD GREY UPON LORD ELDON: LORD ELDON'S VINDICATION OF HIMSELF AND OF THAT PROPOSAL: DEBATE ON PERIOD FOR CESSATION OF RESTRICTIONS: FURTHER DISCUSSIONS ON LORD CHANCELLOR'S CONDUCT: ROYAL ASSENT BY COMMISSION TO THE REGENCY BILL. — LETTERS OF LORD ELDON, TO MR. PERCEVAL AND TO SIR WILLIAM SCOTT.

THE clouds which had so often cast a temporary shade upon the intellect of the Sovereign were now gathering into deep and settled darkness. The immediate cause of distress to his mind was the protracted suffering of his youngest daughter the Princess Amelia, whose death took place on the 2nd of November 1810. It had been notified that the meeting of Parliament, appointed by prorogation for the 1st day of that month, would be postponed to the 29th by the usual Commission under the Great Seal; but before the 1st of November had arrived, the King had become so much disordered that his Ministers did not think themselves warranted in taking his signature to such

a Commission. On the 1st of November, therefore, both Houses assembled.

As soon as the Lords were met, the Lord Chancellor addressed them. He stated the circumstances under which they then attended, and informed them, with expressions of deep regret, that, in consequence of his Majesty's personal indisposition, the Commission had not received the Royal signature. There might be a question, he said, whether the Commission would not have been legal if issued under the Great Seal *without* the authority of the Sign Manual; but into that subject he would not enter. It would be for the House to determine its own course of proceeding.

The House, approving the Lord Chancellor's forbearance to affix the Great Seal to a Commission under such circumstances, and participating in the hope which, in that early stage of the indisposition, was generally entertained by the King's medical and other attendants, of a speedy recovery, adjourned till the 15th; and the same course was taken by the House of Commons.

The natural good feeling and discretion of Lord Eldon had enabled him, in each recurring instance of his Majesty's illness, to conduct the business connected with it in such a manner, as not only to protect the political and public interests in his care, but to give the most perfect satisfaction, in all intervals and returns of reason, to the illustrious sufferer himself, and, throughout, to his Royal Consort. The acknowledgments of Queen Charlotte under this renewal of affliction were thus conveyed to him, and through him to two of his colleagues, on the day after the meeting of Parliament: —

Queen Charlotte to Lord Eldon.

"Windsor, Nov. 2d, 1810.

"The Queen feels, more than she has words to express, the attention shown her by the Lord Chancellor and his colleagues, in making an excuse for not calling upon her yesterday. She is perfectly sensible that the subject it related to would have been equally painful to both parties; and is highly sensible of the delicacy of the conduct of the Lord Chancellor, Marquis of Wellesley, and Mr. Ryder, to whom she begs her compliments.

"Our domestic misfortunes are truly severe, but I trust Providence will carry us through. CHARLOTTE."

On the 15th, the Lord Chancellor began the business of the House of Lords, by repeating what he had stated on the 1st of the month; and added, that the physicians now considered the King's health to be progressively improving. He proposed to their Lordships, therefore, a further adjournment of fourteen days; to which, after some discussion upon the question of precedent, the House agreed. When they met again on the 29th, a report from the Privy Council was laid on the table, containing the examinations of the King's physicians: and Lord Liverpool, relying on the continued appearances of convalescence, and on the expectation which the physicians held out of a speedy recovery, moved an adjournment for yet another fortnight. Earl Spencer thereupon proposed a select Committee, to examine the physicians and report to the House; which amendment was supported by Lords Holland and Grenville, with a declared view to some speedy arrangement for supplying the deficiency of the executive powers.

The Lord Chancellor opposed the amendment, on the ground that while there remained a prospect of the King's

early recovery, it was not desirable to alter the constitution of the kingdom, by transferring the Royal functions to any other hands. Their Lordships would bear in mind that the monarchy of these realms was an hereditary one; that the King was King not only in vigorous manhood and health, but in infancy, in old age, and in sickness; and that to remove the kingly power into other hands, was to make such an inroad on its character and very essence, as could never be warranted nor excused but by a clear and permanent necessity. His Majesty, when recovered, would doubtless be competent, should it be his pleasure, to concur in a legislative act for establishing a lieutenant, or a restricted Regent, or any other officer whose appointment might meet any future emergency. This was no time for treating the monarchical principle with disrespect. Heaven forbid that he should represent the Privy Council as possessing the right or the power to adjudicate upon the capability of the King; their report (which had just been laid on the table), undoubtedly would not give information which ought to be conclusive upon the House, but it would give the House a ground on which to found its own proceedings. The sole consideration, for the present, was whether the House would pause for a little while, or go at once into the important duty proposed to it. For himself, he thought it right to do no more than the evil of the day required. It was only the necessity of the case which gave to the House any right of interposing at all; and it was of the very essence of that necessity, that the time chosen for so interposing should be the proper and correct one.

A majority of 88 against 56 decided for an adjournment to the 13th of December.

When the House re-assembled on that day, the state of the King's health was not sufficiently improved to justify, in the opinion of his Ministers, any further adjournment. Lord Liverpoool, therefore, moved for a Committee to examine his Majesty's physicians, the report of which Committee was presented on the 20th

The contest, which now began respecting the devolution of the Royal functions, was animated by the same spirit of party which had marked the proceedings respecting the Regency in 1788. The Whig opposition, on both occasions, placed a confident hope in the favourable disposition of the Prince of Wales toward their views, political and personal; and on both occasions, therefore, they keenly contended for investing him, at the earliest moment, with the most extensive powers. The Ministry, on the other hand, no less under Mr. Perceval than under Mr. Pitt, had a strong interest, to delay as long as possible the appointment of a Regent who would probably dispossess them of office, and to confine his authority within the narrowest limits. Mr. Perceval, however, enjoyed an advantage which Mr. Pitt had not—the advantage of the very precedent which Mr. Pitt's struggle had established; and certainly there can be no circumstances in which a constitutional precedent has more value, than when it thus steps in to fix what has been suddenly thrown loose, and impose some definite law upon parties who would otherwise be squaring their morality by their passions. There were, moreover, among Mr. Perceval's opponents, some men of considerable weight, who, like Lord Grenville, had, by their personal co-operation with Mr. Pitt in the measures of 1788, precluded themselves from condemning the like measures in 1810. All these advantages Mr. Perceval perceived and profited by. He shaped his course almost exactly by that of his predecessor, beginning with three resolutions in nearly the same form of words which Parliament had adopted in 1788. The first affirmed the simple fact, that the personal

exercise of the Royal authority was suspended by his Majesty's indisposition. The second declared it to be the right and duty of the Lords and Commons to provide the means for supplying this defect as the exigency of the case might require: and the third stated it to be necessary that the Lords and Commons should determine on the means whereby the Royal assent might be given to bills, respecting the powers to be exercised in the King's name and behalf during his illness.

These three resolutions having been carried in the House of Commons, were transmitted to the House of Lords, where they stood for consideration on the 27th of December. On that day, before they were discussed, Lord Carlisle adverted to the testimony of the physicians, as contained in the report of the Lords' Committee, contending that it was not evidence warranting the bulletins issued on several days of the preceding month; but, as he made no specific motion, the House proceeded, on the recommendation of Lord Liverpool, to consider the resolutions. The first two were affirmed, without division, and without much discussion. On the third, it was moved by Lord Holland as an amendment, that the Prince of Wales should be requested, by address, to take upon him the powers of the Crown in the King's name, during the King's present indisposition, and no longer; such address to be accompanied with an intimation that the exercise of any powers, not called into action by the immediate exigencies of the state, should be forborne, until a bill or bills should have passed for the settlement of the whole matter.

The Lord Chancellor, observing that, in 1788–9, as now, all parties in Parliament were agreed upon the fitness of conferring a sole Regency on the Prince of Wales, declared his adherence to the opinion which he had then expressed, that a *bill* to *confer* that power upon the Prince was a fitter course than an *address* to the Prince to *take* upon himself that power. He used the word Parliament, because, notwithstanding all which had been said by those who denominated the two Houses, under their present circumstances, a mere Convention of the Estates, it was his decided opinion that they were properly a Parliament. They had been prorogued under that title by his Majesty, who had directed them to re-assemble on a certain day; and on that day, and under that title, they had re-assembled in obedience to his command. It had been objected that to proceed by way of legislation involved a fiction, the assent of the Crown; but if legal fictions were not to be endured, the whole course of judicial administration must be suspended, and the private property of every man who heard him might be placed in jeopardy. The Courts, however, continued to discharge their functions, and properly so, because the law could look only at the political capacity of the Crown: any natural or temporary incapacity was matter of which the law could not take cognisance. He relied on several historical analogies which he specified, and above all on the precedent established in 1788-9. The precedent of the Revolution in 1688 did not apply; because there the Royal office was to be declared vacant, — while here that office remained full, and the only business was to provide a person who should supply the temporary interruption of its authority. The Ministers had been accused of arrogant usurpation, because they continued to execute the duties of their offices. Was it meant that during the delay which the adjournment had sanctioned, the functions of the Government were to be stopped? He hoped that the country would give credit to the Ministry for having, in a most difficult crisis, conducted themselves with the best intentions. God help the man, who had an eye to the situation of any one of them. They were told that they possessed no talent, no judgment, no qualifications entitling them to be entrusted with the affairs of the nation. But be-

fore such a censure were passed upon them by the House, he hoped their Lordships would look back to the precedents set by statesmen well entitled to confidence and admiration. For himself he would say, that as the Great Seal had been entrusted to him by his Sovereign, he would not give it up till he knew that some one was legally appointed to take it from his hands.

The amendment was negatived by a majority of 100 to 74, and the original question carried without a further division. The Resolutions having been adopted by both Houses, and agreed to in a conference between them, it became necessary to define the powers with which the Regent was to be entrusted: and, in the further resolutions prepared for that purpose, the outline of the former precedent was again pursued by Ministers, but with some variation of the details. These resolutions declared the sense of the Committee, 1. that the Prince of Wales should be empowered to exercise the Royal authority in the King's name and under the title of Regent, subject to such limitations and restrictions as should be provided: 2. that his power should not extend to the grant of any peerage, except for some naval or military achievement: 3. that it should not extend to the grant of any office, in reversion, or otherwise than during pleasure, except such as are by law required to be granted for life or during good behaviour: 4. that the Royal property, not already vested in trustees, should be vested in trustees for his Majesty's benefit: 5. that the care of the King's person should be committed to the Queen, who should have power of nominating to and removing from the several offices of the household: and that a Council should be appointed to advise and assist her, with authority, from time to

time, to examine his Majesty's physicians and other attendants. The fifth proposition, it will presently be seen, received important alterations in its progress.

These restrictions, of which the plan had been communicated to the Prince, were exceedingly unpalatable to his Royal Highness. He endeavoured to relieve himself from them by every means within his reach, and particularly by a most remarkable remonstrance from the male branches of the Royal Family. This document, (of which a copy was found among Lord Eldon's papers, enclosed in an envelope with a few lines from the Duke of Cumberland, the present King of Hanover,) appears obviously, though it bears no address, to have been a communication to Mr. Perceval.

"(Copy.) "Carlton House,
"Sir, "19th Dec. 1810, 12 o'clock, P. M.

"The Prince of Wales having assembled the whole of the male branches of the Royal Family, and having communicated to us the plan intended to be proposed by his Majesty's confidential servants to the Lords and Commons for the establishment of a restricted Regency, should the continuance of his Majesty's ever-to-be-lamented illness render it necessary; we feel it a duty we owe to his Majesty, our country, and ourselves, to enter our solemn protest, against measures that we consider as perfectly unconstitutional as they are contrary to, and subversive of, the principles that seated our family upon the throne of these realms.

"FREDERICK" (Duke of York).
"WILLIAM" (——— Clarence).
"EDWARD" (——— Kent).
"ERNEST" (——— Cumberland).
"AUGUSTUS FREDERICK" (——— Sussex).
"ADOLPHUS FREDERICK" (——— Cambridge).
"WILLIAM FREDERICK" (——— Gloucester).

The very kind and gracious note from the Duke of

Cumberland to Lord Eldon, which contained the foregoing enclosure, was in these words:

"My dear Lord, "Thursday, (Dec. 20th.)

"I cannot, without feeling *the greatest regret*, enclose to you a paper signed, as you will see, by ALL of us: not from its contents being contrary to the bearings of my mind, which has, God knows, been occupied for some time upon this unfortunate calamity, but from there appearing a difference of opinion between yourself and myself; and I believe you cannot doubt, if ever one man is sincerely attached to another from having the highest veneration, esteem, and, I may add, a sort of filial love, that man is myself, and it is therefore a most painful task for me to differ on this occasion; but I hope and trust that this will be the *only* time. For the hurry and bad writing of this note excuse me, but I am anxious you should receive this as early as possible.

"Believe me,

"Yours very sincerely,

"ERNEST."

When the resolutions were opened by Lord Liverpool in the House of Lords on the 4th of January 1811, the Marquis of Lansdowne moved an amendment, whereof the object was to expunge the words, "subject to such limitations and restrictions as shall "be provided."

This amendment was combatted by the Lord Chancellor, who enumerated the Regencies constituted since the Revolution, each of which he showed to have been limited by restrictions: and he adverted to an opinion once expressed by Lord Thurlow from the Woolsack, that the office of Regent was one with which the common law of this realm was unacquainted, and which had its existence only as a creation by statute. Since a Regent, therefore, by the very constitution of his office must owe his appointment to the two Houses, it was obvious that the two Houses had the power to measure and limit the authority thus emanating solely from themselves. He felt too, that, as the subject of a monarch, who himself

was limited in his authority by the law, he was entitled, and bound, by his seat in that House, to discuss the propriety of limiting any temporary trust of the executive power. He was sure that not a man among their Lordships, that not an English heart in the country, would fail to appreciate the difficulties of this moment, or to sympathise in the melancholy cause of them: and all must be anxious so to regulate the authority about to be delegated, that the circumstances, which the Sovereign would find existing at the period of his recovery, should be such as might not infringe the united obligations of public principle and of private feeling. Now what would have been the result, if, in 1789, their Lordships had acted in the manner now recommended on the other side, and had surrendered to a Regent the unfettered exercise of all the Royal prerogatives? What would have been the effect on his Majesty's mind, at his coming to the knowledge of his position? If the two Houses had then so alienated the appropriate functions of the Crown, he was bold enough to say that the effect must have been to impede the resumption of the Royal authority. Until the occurrence of the present question, the complaint on the other side had been, that the powers of the Crown were too great, and that its influence had become too extensive; but now, on a sudden, the doctrine was that the Royal authority could not be left too large. He could not deem it fitting that a principle should at this day be set up, subversive of that which was established in 1788-9, especially as a speedy restoration appeared now a much more probable event than when the former Regency bill was under the consideration of the House. If the King's health had been now in the state in which it was in 1789, would not their Lordships have much less sanguine hope than at present, of its early re-establishment? And yet, even in 1789, the Parliament having been opened on the 20th of February under the authority of the Great Seal, the two Houses, on the 10th of March, were apprised of his Majesty's happy recovery.

Lord Lansdowne's amendment was carried against Ministers in the Committee, by a majority of 105 against 102: but on the report, this resolution was

restored to its original form. The fifth resolution however was passed and eventually reported by both Houses in a shape materially differing from that in which Ministers had proposed it. Instead of enabling the Queen to nominate to, and remove from, the several offices of the Household, it limited her authority in that department to "the sole direction of "such portion of his Majesty's household as should "be deemed requisite and suitable for the due attend- "ance on his Majesty's sacred person and the main- "tenance of his Royal dignity."

This last amendment was an intelligible indication that the two houses of Parliament were preparing to favour the wishes and views of the Prince of Wales: and the policy of the Ministers therefore was obviously to gain time, and take the longest possible chance for the King's recovery, to which the physicians were still looking with considerable confidence.

Meanwhile there arose a practical impediment of an unexpected kind. Certain sums had been appropriated by Parliament to naval and military services; but the Exchequer Act required that the issue of public money for them should be under the Privy Seal, or under the Great Seal, or under an Act of Parliament. An Act of Parliament was prevented by the circumstances of the time: the Great Seal had never been used to authorise an issue except for civil purposes: and the Clerk of the Privy Seal was of opinion that his oath of office precluded him from passing the necessary letters of Privy Seal, (the document to which the Privy Seal is affixed by the Lord Keeper thereof,) without the usual docquet, certifying a previous warrant under the King's sign manual. The

Lords of the Treasury having issued a warrant of their own to Lord Grenville, the Auditor of the Exchequer, requiring him to draw an order for payment of the money, he declined to comply with it for want of the authority prescribed by the Exchequer Act: and suggested that the only power constitutionally competent to relieve the difficulty, was that of the *two Houses* of Parliament, who had declared that it was their right and duty "to provide "the means of supplying the defect of the personal "exercise of the Royal authority," according to the exigency of the case.

Mr. Perceval, in this difficulty, applied for, and obtained after some debate, a resolution of the House of Commons, authorising the Auditor and officers of the Exchequer to pay such sums as the Treasury warrants might from time to time direct. Lord Liverpool, on the following day, the 5th of January, moved for the concurrence of the Upper House in this resolution: to which Lord Grenville, asserting the uprightness of his own motives, consented, on the principle of obviating any impediment to the public service; but declared his opinion that the conduct of Ministers had been most injurious to the country, and that, but for that conduct, there might have been an Executive Government so established that this difficulty could not have arisen.

The Lord Chancellor expressed himself ready to do justice to Lord Grenville's motives. He admitted that officers in such situations as that of Auditor of the Exchequer were to be guided by different considerations from those, which, under special circumstances, must regulate the conduct of Ministers of State. The present question was merely whether the House should direct an issue of money, for which a necessity

had been declared to exist. How that necessity had arisen, was a distinct question, which would be fully open to discussion, when the time should arrive for a general review of the conduct of ministers in these transactions. It had appeared to him that for such services as those for which this money was required, the issue ought not to be under the Great Seal. The Privy Seal, in his opinion, might have been employed, and the Lord Keeper of it, he believed, would not have refused; but then arose the difficulty with the clerks; and thus the application to the two Houses had become indispensable.

The resolution passed, though not without a protest from a number of Peers, including all the Royal Dukes, on the ground that the principle of such a resolution went to justify the assumption of all the executive powers of the Crown by the two Houses, during *any suspension* of the personal exercise of the Royal authority.

During the before-mentioned discussions in the House of Lords respecting the resolution for the regulation of the household, and before the appointment of the Regent, a question, touching the extent of the right of proxy, had given rise to some keen debate. Although, in Committees of the House of Lords, no votes are taken but of Peers actually present, yet in the proceedings on the *Report*, which is a revision by the House of what has been done in Committee, the general rule obtains, and the proxies are admitted as on other occasions. But in this particular case it was contended that Proxies were inadmissible, on the ground that the Peers were now assembled, not as a House of Parliament, but as one of the Estates of the Realm. The Lord Chancellor was strongly opposed to this doctrine; and in order to the settlement of

the question, he brought it before the House on the 23d of January 1811, in a series of resolutions, purporting that on any question finally * put upon any business in the House of Lords when assembled under the King's Commission, whether the Parliament should have been opened or not, proxies should be counted, unless where there should be a standing order to the contrary, or unless where the House should have determined otherwise on a motion made antecedently to the vote on the main question: and that proxies should be counted in any such antecedent motion for excluding proxies, and in any vote, upon the previous question whether the motion for excluding proxies should be put or not.

In support of these resolutions, the Lord Chancellor expressed his anxiety to prevent the establishment of a precedent, by which the Peers of England might be divided into two bodies, those personally present, and those personally absent, in contradiction to the constitutional usage by which all the Lords personally absent had the right of being present by their proxies. In whatever way the usage of voting by proxy might be considered, it ought to be upheld: if as a privilege, there was no reason why their Lordships should surrender it; if, as a duty, they ought not to betray it. He entered into some historical details to show the uniform usage of voting by proxy, and particularly instanced the period of 1660, when proxies were entered, before the causes for the meeting of Parliament had been declared by the King in person or by Commission, — in other words, before the Parliament had been opened. He protested against the doctrine that the House, when it met on the first of the preceding November, was assembled in any other character than that of a House of Parliament. It assembled, under a regular prorogation of Parliament to that day, and, assembling as a

* In Hansard's Debates, the word is "finally:" in the Journals, "fully."

House of Parliament, possessed all the privileges which belonged to it as such, and, among the rest, the right of proxy.

Lord Moira opposed the resolutions, and moved an adjournment; which, after a debate terminating with a short reply from the Lord Chancellor, was carried by a majority of two.

In the course of this discussion Lord Stanhope had assailed the Lord Chancellor and Lord Redesdale, with a levity not suitable to the character of the dignified assembly he addressed. The Chancellor, in his reply, requested the House to consider carefully whether the very speech of the noble Earl against proxies did not indicate that, with reference to their Lordships' dignity and the decorum of their proceedings, it might sometimes be even *more* eligible to take the sense of the House by proxy than in person.

In the following week the addresses of both Houses were presented to the Prince of Wales, who signified his intention to accept the Regency, when it should be conferred upon him, even with the restrictions; after which, in pursuance of a resolution of both Houses, the Great Seal was affixed by the Lord Chancellor to a Commission for opening the Parliament, and under it the Parliament was opened on the 15th of January. The Regency Bill was on the same day introduced into the House of Commons, whence it was sent up, on the 23d of January, to the Lords. Here, on the 25th, in the Committee, a great struggle took place on the clause relating to the Household. The bill, as passed by the Commons, had reverted to the principle of the fifth of the preliminary resolutions as originally proposed on the part of Ministers, by placing, in the hands of the Queen, the appointment

and control of the chief household officers; which alteration may probably have been owing to an opinion then prevalent that the King's health was rapidly improving. On this clause, when discussed in Committee of the House of Lords, the Marquis of Lansdowne moved an amendment, proposing to defer the arrangements respecting the household until after the Regency should have been constituted. Lord Liverpool opposed that amendment, and was followed by Lord Grey, who directed his animadversions in an especial manner against the Lord Chancellor.

The effect (said Lord Grey) of the enactment in its present shape would be, to give the Queen about forty-seven appointments, and the Regent only two. This was not the fair interpretation of the preliminary resolution, which had limited the Queen's authority to such portion of the household "as "should be deemed requisite and suitable for the due atten- "dance on his Majesty's sacred person and the maintenance of "his Royal dignity." The Noble and Learned Lord, he believed, was actuated by conscientious feelings; the frequency of his appeal to those feelings was evidence of their sincerity, and he besought him, therefore, to indulge the same honourable sentiment in the discharge of his political, as he was proverbially accustomed to do in his legal and judicial functions. Suppose the case (and he put it directly to the Noble and Learned Lord, who had high judicial duties to perform in another place,) of a person deceased, by whose will a portion of the estate was directed to be applied to the support of the aged widow, while the remainder was to devolve to the eldest son, for the general purposes of maintaining himself and the members of the family in the rank and station to which they belonged. Would the Noble and Learned Lord interpret the intention of the testator to be, that forty-seven shares (for that was the proportion of the household to be given to the Queen) should belong to the widow, and two to the heir? With respect to that part of the Bill which provided for the resumption of the Royal authority upon his Majesty's reco-

very, he would say that no one,—not even any of the Noble Lords on the other side of the House,—would more sincerely rejoice at the arrival of that period than himself; but he must have other authority for the fact of such recovery, than the mere putting of the Great Seal to a Commission in his Majesty's name. Considering what had taken place on two former occasions, when it was notorious that the Great Seal had been employed, as if by his Majesty's command, at a time when he was under the care and actual restraint of a physician, for a malady similar to that by which he was now afflicted, the Noble and Learned Lord must excuse him for saying there must be better authority produced than his declaration, for his Majesty's recovery. Nothing short of an examination of the physicians by their Lordships could afford that proof of it which would satisfy his mind. He would vote for the amendment proposed by his Noble Friend.

The Lord Chancellor now rose with evident emotion:

The allusions of the Noble Earl (he said) were so marked, that he could not suppress the feeling they had excited, nor omit to take the earliest opportunity of answering them; and he trusted, therefore, that the Committee would pardon him for trespassing on their attention. If he had occasionally referred to the rule of his own conscience, it was because that was the rule by which, from the outset of his public life to the present hour, he had endeavoured to regulate his conduct. Confident in the probity of his intentions, and assured of the integrity with which he had laboured to perform his official duties both to the Sovereign and the public, he would now repeat that he not only did not decline, but distinctly challenged, the strictest inquiry into his conduct. Nor would he scruple to declare, that no fear, no influence of any kind, should deter him from doing again what he had already done, if he conceived it necessary to the interests of the King his master, or of the country at large. Of his Majesty he never could speak without gratitude for the favours, the obligations, the King had heaped upon him; nor think, without the acutest sensibility, of that unhappy malady by which his Sovereign

was oppressed. Reports of physicians should not operate, nor threats within or without the doors of that House, to prevent him from exercising his own judgment in whatever regarded the interests of his Royal Master. Rather than desert his allegiance by shrinking from any step pointed out to him by his duty and his office, he would bear to perish ignominiously on the scaffold. In every case which might arise, he would act upon his official responsibility, and content himself with leaving the consequences to Heaven. In what he had done upon the occasion alluded to by the Noble Earl, he had pursued, under the solemn obligation of an oath, the course which his judgment prescribed to him. He felt himself, therefore, superior to the uncalled-for imputation of the Noble Earl; and until his country should tell him he had done wrong, he should rest satisfied with his own conduct in that matter. No man was entitled to charge him with a criminal act. He had long and faithfully served a most gracious Master, at the most critical moment this country had ever known; he had received, in the measures he had taken to suppress the Societies framed for the subversion of the Government, the full co-operation of some Noble Lords opposite, while other Noble Lords now sitting side by side with them were decrying, obstructing, and ridiculing those measures; which, strong as they were, would yet, he believed, had they stood alone, have failed to produce the good effects which followed from them,—it being his conscientious persuasion that, at that momentous period, nothing could have saved the monarchy but the value of the Sovereign's personal character, and the almost universal love and reverence of the people for the possessor of the throne. Into the transactions of 1801 and 1804, he would again say that he challenged the strictest inquiry. The opinions of physicians, though entitled to great attention, were not to bind him absolutely; he must act, and he had always acted, on his oath and to the best of his own judgment: charges, therefore, and menaces were indifferent to him. "Let them come (continued he), I am "ready to encounter them; *impavidum ferient.* To the "daily scandal poured out against me, I will not condescend "to reply; nor will I ask of the Noble Lord to trust me. I

" have been attacked and reviled, but I disregard it. Actions " which I have never done have been imputed to me, and " actions which I have done have been swollen and distorted " by misrepresentation and calumny. In the newspapers, I " may read to-morrow, as I have often read before, senti- " ments and expressions attributed to me of which I am " totally unconscious; but all this I can view without pain. " I never refer to those diurnal publications, without dis- " covering errors and misrepresentations as to myself; but " the consciousness of rectitude and integrity is sufficient to " sustain my equanimity. I have been significantly asked, " whether I would supersede a commission of lunacy against " the opinion of physicians. *I have often done so.* Perhaps " I may have been wrong in so doing, but again I repeat, I " have acted on my conscience.

" With respect to the clause now under consideration, I will " say, using an expression which I borrow from one well " skilled in the science of human nature, that I know not " how 'to disquantity* the train' of my Royal Master. I " am asked what I would do in the Court of Chancery if the " present clause came before me, in connection with the reso- " lution on which it is founded? I answer, that the resolution " is not of such certainty that *a Court* could deal with it at " all. But I will ask a question in my turn, and it is this: " Are there any two of the Noble Lords on the other side of " the House, who are agreed in their own view of what the " resolution prescribes? I have heard of several plans— " four or five at the least—all of which are at variance. If " I am asked my own view, I say that I deem *the whole* of " the household to be 'requisite and suitable for the due " attendance on his Majesty's sacred person, and the mainte- " nance of his Royal dignity:' those are the words of the " resolution,—and therefore, according to the principle of " that resolution, *the whole* of the household ought, in my " sincere opinion, to be in the gift of her Majesty. In saying " this, I speak with the same tender regard to conscience as " if I were acting in a judicial capacity. I will tell this

* King Lear, Act I. scene 4.

"House,—I will tell every man who hears me,—I will tell all "his Majesty's subjects,—that the last thing I would do, in the "Court in which I sit, would be to remove from any man, "labouring under an affliction such as has unhappily befallen "his Majesty, the comforts which become his condition and "to which he has been accustomed. For myself, let me but "see my Sovereign well, and then let me depart in peace. I "cannot take my heart out of my breast, and forget that my "most gracious Master is a man. Let those who can do so, do "it. I am not made of such impenetrable stuff; I have neither "the nerve nor the apathy requisite for such stern and unre-"lenting duty. Until his Majesty shall vacate his throne "by descending into his grave, to no other person shall I "acknowledge myself a subject.

"Before I sit down, I must make my solemn protest "against the principle upon which the proposed distribution "of the household patronage is argued; as if the Government "of this country could not be carried on, except upon a sys-"tem the most unconstitutional, the most degrading, and I "will even say the most jacobinical, that was ever suggested "by the most inveterate enemies of the Constitution. What? "Are your Lordships to be told that no Master of the Horse, "no Groom of the Stole, no Lord Steward of the Household, "has the least consideration for the country, but that their "votes in this House will be controlled and directed by those "to whom they owe their respective appointments? If this "be the case, I have got, at the end of my life, into such "company as I never was placed in at the beginning of it. "But I cannot believe that the noble persons about me,—the "descendants of those whose virtues and talents adorn the "history of this great country,—can be influenced by the "unworthy motives thus ascribed to them.

"As to the amendment proposed by the Noble Marquis, "I do entirely disapprove it. So much so, indeed, that if "every one of your Lordships were to go below the bar to "vote for it, I should feel it the proudest act of my life to "stand alone, and record my loyalty to my Sovereign by voting "against it. And I put it to you as men, whether you can

" consent to an arrangement so humiliating to your Sovereign, " as that which must be the result of such an amendment.

" The Regent, to be sure, will be subject to restrictions; " but the King himself, in this country, is a limited Monarch. " His Majesty, whatever his mental state, must be King " until he descends into the grave. I can never discharge it " from my recollection, that the Committee has two objects " to accomplish: it has to provide for the stability and secu- " rity of the Government; but it has also to provide for the " safe and effectual resumption of the Royal functions on " the part of his Majesty, whenever his recovery shall be " fully ascertained. I feel the importance of the former con- " sideration; but I feel also that, in taking care for his Ma- " jesty's restoration to his Government, we are providing in " the most effectual manner for the true interests and for the " ultimate security of the State. Your Lordships, therefore, " should not diminish the splendour that surrounds his Ma- " jesty, but preserve it in all its plenitude. I remember, and " with a satisfaction which will terminate only with my life, " the part which I took in the discussions of 1789: I will act " on the same principles now. My conduct on that occasion " obtained for me the approbation of my gracious Master, as " I trust will my conduct in the present crisis. I have no " reason to change the opinion which I gave in a former de- " bate respecting the probabilities of his recovery. Far from " it: for, in addition to what I then said, I have now the " satisfaction of acquainting the House, that his actual state " gives increased expectations of that happy result."

Lord Eldon concluded this speech, which he delivered throughout with peculiar solemnity, by declaring that at such a period as the present, he was incapable of entertaining any interested views, and by repeating his regard and veneration for the King, and his intention to oppose the amendment.

The amendment, however, was carried by 107 against 98.

When the report of the Committee was brought up on the 28th of January 1811, a discussion arose upon the clause for terminating the restrictions on the 1st

of February 1812. Lord Grenville proposed as an amendment, that they should cease on the 1st of August 1811.

The Lord Chancellor thought it an irresistible reason against the cessation of the restrictions in August, that Parliament would not then be assembled. It was of the greatest importance that both Houses should be sitting when the Bill now under consideration should expire. He took this opportunity to repeat his denial of the charge with which he had been assailed on a former evening. There were many Noble Lords now present, who well knew how complete a justification he possessed against all the accusations aimed at him. Nay, some of those who had formed part of an Administration with him, and who had acted with him then, sate now on the bench with his accusers, and were, and must be, convinced that all he said in his own vindication was strictly true.—"What I did," continued Lord Eldon, "I did with the "concurrence and with the approbation of all my colleagues, "but I would have done it, even had I differed from every "man among them. Nay, I say that acting conscientiously, "so help me God, I could not have done otherwise than I "did. Whilst I have the approbation of my own conscience, "I am ready to incur every risk, and submit to all the re-"sponsibility to which I am exposed by the faithful discharge "of my duty. But what, I will ask, is the nature of the "crime imputed to me? Why, that on the occasions in ques-"tion, I acted in obedience to his Majesty's commands. "What would the Noble Earl (Lord Grey) have thought of "my conduct, if I had refused compliance? What kind of "crime would the Noble Lord have held me guilty of, if I "had dared to disobey the positive commands of the Sove-"reign? I acted then upon my conscience, and to the best "of my judgment: my rule of conduct is the same on this "occasion. I will act on my oath, in despite of the opposition "of the whole world. It is my opinion, so help me God, "that there is a most material amendment in his Majesty. "It is little more than forty-eight hours since I had an oppor-"tunity of ascertaining this improvement; and I trust in

"God that my gracious Master will live many years, to be, "as he has always been, the benefactor of his subjects."

Earl Grey, in answering this speech, made the following observations on the statement and conduct of the Lord Chancellor.

In performing what I conceive to be my duty to your Lordships and to my country, I am bound to arraign the Noble Lord for an offence little short of high treason. In bringing this accusation against the Noble and Learned Lord, I will not conceal, that it is my intention to deal as severely with him as I possibly can; but, at the same time, as justly as the importance of the question and the solemnity of the case require. The rigid and impartial line of public duty I shall strictly observe towards the Noble Lord, determined that neither his agitation nor his fears shall deter me from arraigning him, if I shall find that he has been guilty of what I cannot but consider all but treason. The Noble and Learned Lord asks, What is the designation of that crime which a public servant would commit in refusing to obey the just commands of his Sovereign? I acknowledge that would be treason to the Sovereign; but with my answer to that appeal, I beg leave to couple another question: What, I ask, would be the character, what the appropriate punishment of his offence, who, knowing his Sovereign to be actually at the time incompetent, —who, in the full conviction of his notorious and avowed incapacity, and whilst he was under medical care and personal restraint,—should come here and declare that there was no necessary suspension of the Royal functions;—who, under such circumstances, should, in his Majesty's name, and under the pretext of his Majesty's commands, put the Royal seal to acts which could not be legal without his Majesty's full and complete acquiescence? What, I ask, would be the crime of that man, who should venture to take such a course? I do not hesitate to pronounce his offence to be treason against the constitution and the country.

With respect to the conduct of the Noble and Learned Lord on those former occasions to which I before alluded, it is now in evidence before your Lordships, that, as well in the

year 1801 as 1804, the King's name had been used to public acts, and the Royal authority exercised, at a time when, according to the evidence, his Majesty was personally incapable of exercising his Royal functions. His Majesty's malady began about the 12th of February 1801, and continued without remission till the beginning of March. Your Lordships will recollect that councils had been held, and members sworn in, during that interval. The foreign relations of the country, too, had undergone a material change in that period. Sweden, which had been our ally, assumed a hostile aspect, and acceded to the northern confederacy; and even considerable expeditions were equipped and sent out. Subsequent to that date too, about the 17th of March, another council was held, and members sworn of it. Here I must beg the attention of your Lordships to the circumstance, that about the 14th or 15th of June following, even after he had been declared to be fully recovered, his Majesty had a relapse, which, though it did not last long, required the aid of attendance. All this took place in 1801. In 1804 I was a member of the other House, and, from the anxiety felt by the public upon the subject, considered it my duty to put a question to the Noble Viscount on the cross bench (Sidmouth), then a member of the other House, respecting the state of his Majesty's health; and though my Noble Friend at first endeavoured to shift and evade the question, upon being pressed, he ended with saying, that there was no necessary suspension of the Royal functions. To a similar question put in this House, the Noble Lord upon the Woolsack returned a similar declaration. Certainly the Noble Lord opposite (Lord Liverpool) had made such a declaration, and that was afterwards confirmed by the Noble Lord on the Woolsack, in this House. Now, by referring to the evidence of Dr. Heberden, your Lordships will find, that at that very period his Majesty had been ill, and continued in that state from the 12th of February 1804 to the 23rd of April following, when, I believe, he presided at a council—a circumstance which most probably was considered as sufficient proof that his Majesty was well enough to resume his Royal authority. Within that interval, viz. on the 9th of March, a Commission was issued under

his Majesty's Great Seal, for giving the Royal assent to fifteen different bills which had passed the two Houses. But still more — the Noble and Learned Lord had, on the 5th of March, an interview with his Majesty, in consequence of which he felt himself warranted in declaring to your Lordships, that his Majesty's intellects were sound and unimpaired. But will this House consider a hasty opinion, formed during such an interview, which may have taken place at a lucid interval, sufficient to outweigh the evidence, upon oath, of physicians regularly and constantly in attendance? Will you not, on the contrary, be convinced that it would be a direct breach of the Constitution, for the highest officer in his Majesty's service to venture, under such circumstances, even during a lucid interval, to take his Majesty's pleasure upon high matters of state? I will put it even to the Noble and Learned Lord himself, whether, in the case of a private individual, who should have continued, from the 12th of February to the 23rd of April, in a state of lunacy, and might within that period have been induced by an attorney to make a will, that Noble Lord would consider such a will valid? If the transaction should subsequently be submitted to the Court of Chancery, what would be the feelings of the Court? what its just reprobation of the conduct of the attorney?

The charge, therefore, which I have to make upon the Noble Lords before your Lordships, and in the face of the country, is this, — that they have culpably made use of the King's name without the King's sanction, and criminally exercised the Royal functions, when the Sovereign was labouring under a moral incapacity to authorise such a proceeding; and with such a transaction in your view, I will ask your Lordships whether you will suffer this Bill to pass without making effectual provision to prevent the recurrence of similar circumstances, — whether, if you should omit to make such provision, you will perform your duty to the public, whose interests you are bound solemnly to secure and to protect? In the evidence of Dr. Reynolds it appears, that when the King removed to Kew in 1804, he had himself ceased to attend him, — and for this reason, that it would have a better

appearance to the public. It was also apparent from the evidence, that his Majesty was then, and till October continued to be, in such a state as to require medical attendance. I am prepared also to assert, and challenge the Noble Lord to deny the fact, that Dr. Simmons and his attendants had not only been in attendance, but exercised control over his Majesty, until the 10th of June. For my own part, I shall never consent to suffer a Lord Chancellor, a Lord Keeper, or any man, or set of men, however great or distinguished, to possess himself or themselves of the Royal authority under such circumstances, and exercise the functions of the Sovereign.

After several other Peers had been heard, Lord Sidmouth made a plain statement to the House, in which he declared, for himself and his colleagues in 1804, that they were prepared to justify their conduct in every point; that he was ready to answer for them all, and more particularly for the Noble and Learned Lord. The Duke of Gloucester spoke shortly for the amendment; and then Lord Moira, at some length, but with less asperity than Lord Grey, renewed the charges against the Lord Chancellor; who, thus again attacked, said,

He could not forbear to observe how unfair it was to select him individually from the Ministers of 1801 and 1804, and make him the constant object of attack. They should have done him the justice to state that the course then adopted was upon the opinion, not of himself individually, but of the Administration generally; upon the unanimous opinion, he was proud to say, of many great and honourable men with whom he then acted. He thought he could satisfy any candid man of the propriety of his conduct both in 1801 and in 1804. In 1801 he had not been a member of the Government till the 14th of April, when he had accepted the Seals in circumstances wherein he could have no motive for it but the commands of his Majesty; and after the 14th of April he knew of no act done which would fall within the objection

advanced on the other side. "In 1804," continued Lord Eldon, "several distinguished noblemen, now present among "your Lordships, were members of the Cabinet; one of them "was a Noble Lord opposite (Earl St. Vincent), who was "then First Lord of the Admiralty, and who, after being "present at the examination of the physicians, concurred "with the rest of the Cabinet in the conduct then pursued. "The physicians having all been agreed that on the 9th of "March his Majesty was fully competent to do the act which "they had advised him to perform, the question now is, "whether, under that medical authority, I was right in doing "what I did for the transaction of most important business, "or whether I ought to have left the country to shift for "itself. If I had entertained the smallest doubt of his "Majesty's competency to direct a Commission for giving the "Royal assent to the bills which then awaited that sanction, "I should have done one of two things: either I should have "taken upon myself to affix the Great Seal to that Com-"mission and have applied to Parliament for an indemnity, "or I should have come to the House and made the same "declaration as on the 1st of November 1810. And, even if "the evidence of the physicians had been less decided than it "was, I assert it to be most important to the Sovereign, that "a Chancellor be not wholly determined by medical opinions, "so as to suspend the Royal authority where he himself "thinks the King fully competent to exercise it. It does "not follow, because the physicians all concurred in the acts "then done, that I am guilty of any inconsistency in saying "now, that, whatever might be the report of the King's phy-"sicians, I would not consent, on that mere report, to de-"throne his Majesty, while I myself, in my judgment and "conscience, believed the King adequate to the discharge "of the Royal functions. I must be permitted to state, that "the great man who was then at the head of the Adminis-"tration (Mr. Pitt) afterwards expressed some surprise, "when he found that *it had been my fixed resolution never to* "*see his Majesty, at any time when he could be considered under* "*the control of others, or in presence of any persons who* "*might be considered as exercising any control over him. My* "*interviews with his Majesty at that time were always in the*

"*absence of such persons;* and it was my firm conviction "that I was warranted in the course that was then adopted. "I knew the dangers of this proceeding, but I knew my duty "too, and had determined to see my Sovereign and judge of "his complaint, when he was as free from restraint as any "of his subjects whom it has been my painful duty to ex- "amine under similar circumstances. This was very hazard- "ous to myself; but I did my duty without being deterred "by fear of consequences. His Majesty, on the 9th of March, "understood the duty which I had to perform better than I did "myself; this I believe I can prove.* If I *had* acted wrong, "it was with the best intentions, and those would acquit me "in the sight of God, if not in the opinion of my country."

Earl Grey rejoined, that the constitution of this country always selects for responsibility the individual Minister, who does any particular act; and it was upon this ground that he had singled out the Lord Chancellor from the rest of his colleagues upon a question of affixing the Great Seal. For this he was individually responsible. The Constitution knew nothing of the Committee called a Cabinet. Every individual Minister was responsible for his own conduct. If ever the time should come when it might be thought necessary to call the serious attention of the House to the conduct of the Noble and Learned Lord, the House must determine simply on the propriety of his conduct, and not upon the purity of his intentions, or the coincidence of other people with his opinions. As to the statement of the Noble and Learned Lord about his never visiting his Majesty in the presence of persons under whose control he might be supposed to be, he should only observe that it was not the removal of the persons appointed to control his Majesty from the room in which he saw his Chancellor—it was not their removal from an antechamber—that would justify a Minister in acting as the Noble and Learned Lord had done. The absence of all *idea of control* from his *mind* was necessary, before the Chancellor could have, in his name, exercised the Royal authority, and

* See above, March 9th, 1804, extract from the Anecdote Book, Chap. XVIII., and Lord Eldon's account of his explanations with Mr. Pitt, respecting the real circumstances of the communication between the King and himself, Chap. XIX.

adopted a line of conduct, which, in this case, he could consider as nothing less than usurpation. It appeared from the evidence, that from the 12th of February up to the 23rd of April, and even so late as the 10th of June in that year, his Majesty had been attended by Dr. Simmons and his servants, who did exercise a control over the mind of his Majesty. He did not mean to say that this control was constantly exerted, or that those persons were present when the Sovereign was visited by the Noble and Learned Lord; but there was a knowledge in the King's mind that those persons were in attendance, and could be brought forward to control him whenever it might be judged necessary. If such had been the circumstances in a former case, he should now call upon their Lordships, as peers of the realm, as hereditary guardians of the Constitution and of the liberties of the people, not to suffer this usurpation to pass, without taking effectual measures to prevent the recurrence of such conduct in future. On the 7th of May 1804, at the time his Majesty was thus under control, the union of the two great political rivals (Mr. Fox and Mr. Pitt) had been in contemplation, but had been prevented. This too was a subject for serious consideration.

The Lord Chancellor again rose, and strongly denied this last allegation also.*

Lord Grenville's amendment was negatived by 139 against 122, and the clause, as originally framed by Ministers, was carried by 139 against 124.

On the clause appointing the Queen's Council,—

Lord King moved the omission of Lord Eldon's name. This proposal he grounded on the evidence given by the King's physicians, that in 1804 his Majesty's illness had continued from the 12th of February to the 23rd of April, in which interval the Great Seal was affixed to two Commissions, one dated the 9th, and one the 23rd of March: and that the

* A reference by himself to this denial will be found in p. 160. of this Chapter, at the conclusion of some extracts from a letter of his to Mr. Perceval.

Lord Chancellor had also signified the Royal assent to the Duke of York's Estate Bill, being a public bill affecting the interests of the Crown. He said that the Noble and Learned Lord, having thus, in consequence of his own erroneous view and strong bias, been instrumental to deceive the House and the country in 1804, was an improper person to be placed on the Queen's Council, because, if appointed to a seat in it, he, from his high station and legal character, would be the party to decide on the competence of the Sovereign. Lord King then desired that there should be read the Commissions of the 9th and 23rd of March, and the evidence of Dr. Heberden before the Lords' Committee.

The Earls of Buckinghamshire and Westmoreland contended for the retention of Lord Eldon's name in the list of the Council, and took to themselves their share in the responsibility of the Government of 1804, of which they both had been members. Lord Redesdale spoke on the same side; and after a few words from Earl Grey and Lord Lauderdale, the motion of Lord King was negatived by a majority of 139 against 54. A protest was entered by Earl Grey and several other Peers against the rejection of Lord King's motion.*

Some amendments, made in the Bill by the Lords, were agreed to by the Commons, who brought it back to the Upper House on the 1st of February. Lord Liverpool moved on the 2nd, that a Commission should issue under the Great Seal for giving the Royal assent to the Regency Bill. This resolution having, after some discussion in each of the two Houses, been carried in both, the Royal assent was accordingly given to the Bill by the Lord Chancellor and other Commissioners on the 5th of February.

* Lords' Journals, Jan. 28th, 1811.

The following are extracts from a letter addressed to Mr. Perceval, of which the draft was found in Lord Eldon's hand-writing: —

"The members of Mr. Addington's Administration, who retired, found the Sovereign, in personal interviews, quite capable of acting, and Mr. Pitt and those who came in with him, *in his Majesty's presence,* accepted their offices.

"It is not here immaterial to mention, that Mr. Pitt was Minister in 1789, and he knew the King's state intimately in 1801; he saw it in 1804. He knew therefore in what manner, and under what circumstances, and under what care and provident management, the King continued to exercise his functions in both those periods, 1789 and 1801. In fact, who did not know it? He drew his notions of the principle upon which he ought to act, from Lord Thurlow and Lord Camden in 1789; and, if the King's acting under medical management was wrong, *they* were wrong in the first instance. Lord Thurlow's notion was, (which it is most difficult to maintain and to deny;) that an individual of the highest powers, reduced to be an individual of very weak intellects by the effect of bodily or mental indisposition, if barely *compos mentis,* has a right to the management of his own affairs. Mr. Pitt, so reduced to the powers or weakness of a child of 14, might have managed personal property, by disposition, of the most enormous value. A King is never in law *non compos:* — in his cradle — in the delirium of fever — in the struggle in which soul and body are parting — the law acknowledges no weakness in him. This is the view of him, which allegiance and the obligation of oath compel his servant and subject to take. If his actual state negatives all theory, reason *seems* to justify another view of him — but, that reason should present such other view, the law does not presuppose. The very principle, upon which this proceeds, at least requires that great caution should be used, before individual judgment should be considered as let loose from the obligations of oath and allegiance. In 1789, when Lord Thurlow came to Parliament he came,—as I did on the 1st of November,—because the King did not understand and could not comprehend at the time he

was taking his pleasure, upon *what* he meant to take his pleasure:—if the case had been otherwise, I have personal reason, as well as reason arising out of fact, to believe that that great man would not have come to Parliament, upon any notion that either his own or the physician's judgment might make it likely that some delusions might occur in an hour and a half, after one hour and a half's perfect and sound conversation, uninfluenced in the matter and nature of it by antecedent delusions. In the case of the King, he did not think the law in such circumstances authorized him to apply the principles, which regulated either the granting or superseding commissions of lunacy—(and I do not hesitate to say that I think I never could have induced myself to seal the Commission for the Regency Bill in such *precise circumstances*)—and accordingly he and all those with whom he acted, Mr. Pitt, Lord Camden, &c., tided on, if I may so express it, through many a difficult scene. Perhaps it would not be going too far to say, that, months after the King was at St. Paul's, he was not so well as he is at this day. But there is a difference between a *declared* incapacity and resuming, and *undeclared* incapacity and a dethroning."

The letter, after describing in the words already given near the end of Chapter XIX. the circumstances under which Mr. Pitt communicated with the King in 1804, proceeds:—

"I here digress, to notice that both Lord Grey and Lord Grenville were pleased more than to insinuate, that *I had taken advantage of the King's weakness to prejudice him against Mr. Fox.* I aver this to be a direct falsehood."

In his Anecdote Book, he many years afterwards records his denial thus:—"Lord Grenville and Lord Grey, in debate in the House of Lords, took an opportunity to do more than insinuate, that I had prevented Mr. Fox's being part of the Administration; upon which I stated that there was no language of contradiction to what they represented, which a

gentleman could use in a company of gentlemen, which could be more strong than that in which I desired the House to understand me as contradicting those Lords." *

This denial must not be extended beyond the charge it was meant to meet, of having taken advantage of the King's weak state to excite a prejudice against Mr. Fox in the Royal mind; for Lord Eldon, though he spurned the accusation of having tampered with the King, had avowedly employed all legitimate means for preventing Mr. Fox's accession to the Ministry, and in particular was wont to claim credit for the earnestness with which he had counselled Mr. Pitt against such a coalition.†

Among the embarrassments of the Administration was the course pursued by the Royal Dukes, who, acting throughout these proceedings in the spirit of their original remonstrance‡, threw their whole weight into the scale of the Heir-apparent, and had well nigh turned the balance against the Government and the Queen.

Lord Eldon to Sir W. Scott.—(Extract.)

(No date; but probably end of Jan. 1811.)

"I hope you are not angry with me for not seeking to see you. The fact is, that my present duties are, or are thought by me to be, so arduous and difficult, and withal so perilous, that I do not wish to ask any body's advice, or to involve those I love in the consequences of my conduct. I am hardly in my right mind upon what is passing—and, when I am attacked day by day, and every man, who was with me

* Parl. Deb. January 28th, 1811. See also Lord Eldon's account of his interviews with Mr. Pitt in the spring of 1804: Chap. XIX.

† See Lord Eldon's letter to Lord Melville, of January 1807: Chap. XXIII.

‡ See above, Chap. XXXI.

in Administration in 1804 is obstinately holding silence, and the whole Royal Family, whose protestations of gratitude my boxes teem with, are among my enemies; God help me, if I had not the means of proving that I have nothing to fear. I know I should be asking advice if I were with you, and I have determined rather to look for consolation to those whom I affectionately love, *after* I have acted for myself, than to pursue any other course of proceeding.

"I saw the King on Saturday* for much more than an hour. He is not well, and I fear he requires time. In the midst of this state it is impossible to conceive how right, how pious, how religious, how everything that he should be, he is, with the distressing aberrations I allude to.

"Yours affectionately,

"ELDON."

* The 26th of January. See Lord Eldon's speech in the House of Lords on the 28th, referring to the interview with the King a little more than forty-eight hours before.

CHAPTER XXXII.

1811.

MR. PERCEVAL'S ADMINISTRATION CONTINUED BY THE REGENT. — LETTERS FROM THE QUEEN. — EX-OFFICIO INFORMATIONS: JUDICIAL ARREARS IN CHANCERY AND IN THE HOUSE OF LORDS: MR. M. A. TAYLOR'S ATTEMPTS AT CHANCERY REFORM: ANECDOTES OF HIM. — DEBATES IN HOUSE OF LORDS ON THE IRISH CONVENTION: ON THE DISSENTING MINISTERS' BILL: ON THE ABOLITION OF CERTAIN CAPITAL PUNISHMENTS. — LETTERS OF LORD ELLENBOROUGH AND THE DUKE OF YORK. — HOUSE OF LORDS: CATHOLIC QUESTION, COURT OF ADMIRALTY. — LETTER OF LORD ELDON TO DR. SWIRE. — CURRENCY. — LETTERS FROM MR. PERCEVAL, ON THE GOVERNMENT OF IRELAND, AND ON THE APPROACHING TERMINATION OF THE REGENCY RESTRICTIONS. — LETTER FROM LORD ELLENBOROUGH. — VERSES BY LORD ELDON TO HIS LADY. — SIR WILLIAM SCOTT'S PROPERTY SAVED BY LORD ELDON. — UNFAVOURABLE STATE OF THE KING'S HEALTH.

THE difficulties of Lord Eldon and his colleagues were now relieved in a very unexpected manner. The Regency Bill having finally passed both Houses and being about to obtain the sanction of the Great Seal by Commission issued under the resolutions of the Lords and Commons, the Prince addressed a letter to Mr. Perceval, in which he declared that, actuated solely by filial duty and affection, and dreading lest any act of his might, in the smallest degree, interfere with the progress of his Father's recovery, he felt it "incumbent upon him, at this precise juncture, to "communicate to Mr. Perceval his intention not to "remove from their stations those whom he found

"there, as his Majesty's official servants." In this decision he, of course, was not uninfluenced by the consideration that, as the King's recovery appeared to be approaching, no change then made would have much likelihood of permanence.

The devotion, which, in all the transactions and discussions on the Regency, had been evinced by Lord Eldon to the King, was highly appreciated by the Queen, whose acknowledgments were thus expressed:—

Queen Charlotte to Lord Eldon.

"Windsor, Feb. 6th, 1811.

"The Queen cannot refrain returning thanks to the Lord Chancellor for the pleasing account which his note conveyed to her of his Majesty's improvement since Friday last, and she feels happy to add that the account, this morning received from Dr. Baillie, continues to increase our hopes still stronger for a complete recovery. The Queen had a visit from the Prince of Wales soon after the Lord Chancellor had left Windsor. He brought a copy of the letter addressed to Mr. Perceval, containing his intention of retaining his Majesty's present Ministers,—a step which, independent of the credit it is to the Prince, gave the most heartfelt pleasure to herself. She cannot help lamenting that, upon such a melancholy business, which is now finished, and in which the Lord Chancellor has given such strong proofs of zeal and affection for his Sovereign and country, his feelings should have been put to such severe trials; but his own conscience, and the King's good opinion, must be his chief support. As to herself, she must always remember, with gratitude, the Lord Chancellor's attention shown her upon this melancholy occasion.

"CHARLOTTE."

The King's health still appeared to be improving; nor was he kept in ignorance of the measures taken by Parliament with respect to his own condition.

Report from the King's Physicians to the Lord Chancellor.—(Extract.)

"We have the honour to report to your Lordship that his Majesty appears to be going on in the most favourable manner. It is right to mention, and we do not think it an unfavourable circumstance, that he has occasionally adverted to the subject of his former delusion, but in so slight a manner as to increase our confidence in its gradual subsidence from his Majesty's mind.

"We have it in command from his Majesty to express his personal regard for your Lordship, and the particular satisfaction he has felt from the circumstance of your Lordship being made one of her Majesty's Council, not by your office as the Lord Chancellor, but as Lord Eldon."

Queen Charlotte to Lord Eldon.

"Windsor, Feb. 22nd, 1811.

"The Queen is anxious to state to the Lord Chancellor her anxiety that some one or other of her Council should come to Windsor *at least* once a week, to see his Majesty's physicians, to receive their report *personally*. Before the Regency Bill was passed, his Majesty's Ministers *severally* came to receive this information; and it is evident that such a personal inquiry would appear as a duty to the King and a respectful attention in *her* towards H. M. The Queen is particularly desirous of this, as the King is constantly asking if not one of the Council is coming to do so, and seems to feel that putting it off procrastinates his recovery, as his Majesty (*she is sorry to say*) thinks himself too near *that period:* and therefore the Queen is of opinion, that, when his Majesty is informed of what passes at those private inquiries, it will prove a check to his expectations. The Queen is perfectly sensible that neither the Lord Chancellor, nor the other law Lords can be included in this request, but hopes the Lord Chancellor will consider it, and settle it with the rest of the Council. "CHARLOTTE."

The Prince Regent's opening Speech to Parliament was read by the Lord Chancellor on the 12th of

March.—The only discussion of any considerable importance, in which he took part during the three or four months succeeding the debates on the Regency, was that which arose on the 4th of March, out of a motion made by Lord Holland for an account of all informations Ex Officio, filed within the preceding ten years, in cases of libel. This motion was made, not upon any specific allegation of abuse, but as the ground of a general argument for relaxing the legal restraints upon seditious publications.

The Lord Chancellor opposed this attempt, and vindicated the power of filing Ex Officio informations, as essential to the defence of public order. He believed that no Attorney-General had prosecuted more libels than it had fallen to his lot to proceed upon. He had acted on the persuasion that libel was one of the most formidable weapons then wielded against the Constitution and Government of this country. After vindicating the proceedings of the then Attorney-General (Sir Vicary Gibbs), he adverted to, and admitted, the general unpopularity of Ex Officio informations. He had known many young men who, when first called to the Bar, were most eloquent in their condemnation of these proceedings; but somehow or other it had happened, that when those same men reached sufficient eminence to be retained by Government and called into consultations, the odiousness of the practice wholly vanished from their sight. As to the complaints of some Noble Lords in this debate about the rigour of the Act of 48 Geo. 3. c. 58., which had invested the Attorney-General with the power to require bail on Ex Officio informations, the best answer was the fact, that under that statute only one person had been held to bail, and that was in the case of a man who, after having been prosecuted for a libel, had the hardihood to republish it forthwith. Lord Eldon added, that the same sort of contumacy had been practised when he was Attorney-General, and in a remarkable way. The libellous matter must be stated on the record; and the contrivance was, to publish the record containing such matter.

It was an amusing piece of ingenuity, but it carried a mischief requiring remedy. The present motion was one which he felt it incumbent on him to oppose, because an acquiescence in such a motion would in some degree sanction a suspicion that there was something in the administration of justice which the House considered so far improper as to need some interference. The substantial interests of the public required the *primâ facie* presumption that persons who filled offices of trust, particularly those relating to the administration of the laws, discharge them with fidelity and integrity; and no clamours against their conduct should be raised or encouraged, except in cases of clear and gross misconduct.

Lord Holland's motion was negatived by a majority of 24 to 12.

The arrears in the Court of Chancery and before the appellate tribunal of the House of Lords, were now so largely increasing, as to overmatch even the Chancellor's great powers of intellect and labour. He found it necessary, therefore, on the 5th of March, to move the appointment of a select Committee for considering the best way to expedite the appellate business in the House of Lords. A select Committee was accordingly appointed, which, on the 30th of May, reported that there were depending 296 Appeals, and 42 Writs of Error; that in order to the reduction of this arrear it would be expedient for the House to sit at least three days a week during the Session; and that, for the purpose of securing the Lord Chancellor's attendance in the House of Lords, and of supplying sufficient means to carry on the business of the Court of Chancery, an additional Chancery Judge ought to be constituted.

On the 7th of March (the next day but one after this Committee of the Lords had been appointed, and

of course before it could have made any material progress in its inquiries) Mr. Michael Angelo Taylor, who had in the preceding Session directed the attention of the Chancellor of the Exchequer to the subject and had received from him in answer an assurance that something should be done for the redress of the evil, moved that a Committee of the House of Commons should be appointed to ascertain and report the number of appeals pending before the House of Lords. The appointment of the Committee in the House of Lords having superseded all present necessity for this motion, Mr. Perceval moved the previous question, to which the House agreed. In this debate, the subject being then unmingled with any considerations of party, the parliamentary advocates of the suitors in Chancery threw out no imputations against Lord Eldon. Mr. Taylor, in the speech with which he introduced his motion, declared,

That he meant no imputation upon Lord Eldon, whose attention to his duties he fully acknowledged; but that the business of the Court had increased so much beyond what it had been in Lord Hardwicke's time, that it was impossible for any man to dispose of it, however eminent his abilities or sedulous his attention.

Mr. Adam said it was certainly true that dilatoriness had arisen to a great height, *but without blame to any one officer of the Court.* He agreed with his Hon. Friend, that the Noble Lord evinced *great anxiety to do justice to all parties.*

Sir Samuel Romilly said *the motion would not convey, either directly or indirectly, any mark of censure upon the Noble and Learned Lord;* and he did assure the House that nothing could give him greater concern than to be thought to give his consent to any motion which could in any way be construed into a desire to reflect upon the conduct of that Noble and Learned Lord. No man had experienced more uniform

acts of kindness than himself from the Noble and Learned Lord. Indeed, his general attention to the Bar, his conciliatory demeanour, and his strict love of justice, had endeared him to all the gentlemen who practised in that Court. A man more eminently qualified, in point of talents and learning, for all parts of his profession, he knew not; and he most firmly believed that he never had his equal in point of anxiety to do justice to the suitors of the Court. If he had any defect, it was an over anxiety in that respect.

These were the opinions of the lawyers, even of the reforming lawyers, about Lord Eldon's efficiency, until it occurred to the Whigs to assail the Ministry through the sides of its Chancellor.

Mr. M. A. Taylor, who will be found returning to the charge in the latter part of the Session, and who continued to be the Coryphæus of Chancery reform until the exigences of party transferred the lead to greater performers, was a well-meaning little man, with an important manner and a sonorous voice. Mr. Pitt once said that, to hear him deliver his first sentence in a debate, you would suppose, if you did not know him, that he was about to make a great speech. He had been called to the Bar, and bore himself as one learned in its lore, who, if his private fortune had not led him to quit the profession in early life, could hardly have escaped the responsibility of the Seals. Uniting much good humour with his pomposity, he was naturally a favourite mark for a sort of friendly quizzing. Lord Eldon, with whom he had gone the Northern circuit, used to relate divers stories of him, two or three of which are preserved in the Anecdote Book.

On some point of law which arose in the House of Commons, Mr. Taylor had answered Mr. Bearcroft; but not without an apology that he himself, who was

then but a young practitioner, and, as he phrased it, "a chicken in the law," should take the liberty of contradicting so eminent an authority. Upon this the Anecdote Book says: "He never lost the name of Chicken. But what made him very angry was, that he and Campbell and I, going the Northern circuit together, and Taylor, without any cause for hurry, insisting upon making a long day's journey, Campbell and I resisted it and refused to go any farther than to the Cock at Eaton, on the North road: insisting upon the 'Chicken's' sleeping at a relation's house."

"In the seditious times," continues Lord Eldon in the Anecdote Book, "I, as Attorney-General, filed an information against a publisher of a libel. When it came on for trial, Felix Vaughan, who was much employed for such persons, made an objection in point of law, which I was obliged to admit was good; though the pleading was drawn by George (afterwards Baron) Wood. The Chief Justice Kenyon stated that the objection was incapable of being answered and was clearly fatal, and the defendant was acquitted. Michael Angelo Taylor, at a Sessions in Yorkshire, was Chairman; and there, in one of my prosecutions, a man was tried before him on an indictment, to which the very same objection applied, and was urged by the same counsel, Felix Vaughan. Taylor, the Chairman said, 'Mr. Vaughan, that objection might 'probably do very well if there was not a lawyer in 'the Chair; *I* overrule it.' Vaughan said, 'Sir, I 'really thought, and do think, that no answer can be 'given to the objection. The Attorney-General, a 'few days ago, at Guildhall, admitted it to be un-'answerable, and Lord Chief Justice Kenyon declared

'it to be so.'—'Oh, Mr. Vaughan,' said Taylor, 'they did not understand the matter; they could not 'have understood the matter.'—I think the man was convicted, imprisoned, *and pardoned.*"

Such was the person who, with great perseverance and a strong desire to do a little conspicuous good, but with a knowledge of his subject pretty nearly inverse as its importance, continued for many years, during some weeks of each spring, to increase, by his pertinacious pressure of impracticable remedies, the difficulty of supplying an undeniable defect.

A Representative Assembly had been projected by the Irish malcontents, which was to have held its sittings in Dublin, and taken the general management of the affairs of the Roman Catholics, under colour of petitioning Parliament and seeking redress of grievances. The Irish Government suppressed this project by a circular letter to the magistrates, instructing them that all persons concerned in the attempt to elect or appoint such a body were to be arrested, in pursuance of the Irish Act of 33 Geo. 3. c. 29., commonly called the Convention Act. In a debate of the House of Lords respecting this instruction, on the 4th of April 1811,

The Lord Chancellor justified the general tenour of the circular. The Convention Act had not the Catholics particularly in its view; it contemplated the assembling of any description of persons, who met together for the purpose of electing others who were to interfere in matters of Church and State. It was the nature and intention of such meetings that made them legal or illegal. It mattered not under what denomination they were known, whether delegates, managers, or any other: they would take their character from their mode of proceeding. If the assembly which these delegates, or managers

proposed to elect was an unlawful assembly, so would the assembly be which should elect them. The elected, or appointed, according to the nature of the object for which they should have been chosen, communicated the legality or illegality of their meeting to the body electing them. Such was the interpretation of the statute upon which the letter proceeded.

A bill had been introduced by Lord Sidmouth on the 9th of May, for preventing improper persons from assuming the character and privileges of dissenting ministers. The dissenters violently opposed this measure as an infraction of the Toleration Act: and the Government discouraged it. On the motion for the second reading, May 21,—

The Lord Chancellor admitted that there were considerable doubts as to the construction of the law then in being, and particularly as to the class of persons entitled to exemptions from the militia. The laxity of interpretation which prevailed at one time was shown by the fact, that in his younger days, when he was liable to be drawn for the militia, he had been advised to get himself exempted by paying sixpence for a licence to preach. Among those who now applied for licences, there were some who could neither write nor read, and who absolutely, when the names of others were written down, took them away as their own. He believed this bill to be well intended and capable of doing good; but in the present circumstances he would recommend that it should not be pressed.

The bill was rejected.

On the 24th, Lord Holland moved the second reading of a bill carried by Sir S. Romilly through the House of Commons, which went to remit the capital part of the penalty for privately stealing to the amount of 40*s.* in a dwelling-house. Lord Ellenborough, as he had done in the instance of the

last year's measure relative to shop-lifting, moved, as an amendment, the second reading of the present bill at a distant day, or, in other words, the rejection of it. The Lord Chancellor concurred in this opposition, on the same grounds which he had taken in the preceding year: and the bill was rejected.

A Committee appointed by the House of Lords to enquire of delays in Chancery had made its report on the 30th of May. On the 5th of June, a Committee for enquiring into the same subject was appointed by the House of Commons, on a motion of Mr. M. A. Taylor which had been adjourned from the 17th of May, and which was now carried by the casting vote of the Speaker. This last Committee met, and took evidence respecting arrears, which is annexed to their printed report, dated 18th June 1811: but it is stated in the same report that they found the probable remainder of time in that Session insufficient for the objects of their appointment. Thus, the matter stood over till the 26th of February 1812.

The arrival of spring produced no mitigation of the King's malady. The state of his mind is authentically described in the two following letters.

Lord Ellenborough to Lord Eldon.—(Extract.)

"My dear Lord,

"I have had some conversation this evening with the two Archbishops on the subject of the questions which we ought to put to the physicians. I own I am very much inclined to doubt the propriety of any opinion I may have formed, if it differs from yours; but agreeing, as I fully do, that our declaration to the Privy Council need only contain a brief, true, and distinct statement of the King's health, encumbered with as little further circumstance as possible, still I think that for

our own information, and for our justification with the world if it should be hereafter inquired of us what information we had in fact obtained at the time when our statement was made, that we should distinctly know, by precise questions put and answered, *what the King's ailment actually is, and by what symptoms and circumstances of conversation and conduct it is now manifested,*—and also, what is the description and character which we ought properly to ascribe to the *delusions* (as we call them) and what to the *irregularities* and extravagances of plans and projects of which we hear daily.

This information when obtained, is *for ourselves* and *to ourselves* only, unless Parliament shall require it of us — and if they do, I own I should be sorry to own that we were possessed of no fuller and more distinct information than we are at present enabled to lay before them on this subject. I should be sorry that we should, in the judgment of any, appear to have inertly and insufficiently exercised a function of inquiry so important as that is, which is delegated to us."

"St. James's Square, Wed. evening, April 3rd, 1811."

The Duke of York to Lord Eldon.—(Extract.)

"My dear Lord, "Stable Yard, May 25th, 1811.

"At the desire of my brother the Prince Regent, I trouble your Lordship with this letter, to acquaint you with what has passed during these last two days at Windsor, from whence I am only returned this afternoon. Upon my arrival there yesterday morning, I found his Majesty in the Queen's room. He appeared at first very much affected at seeing me, and expressed himself in the kindest and most affectionate manner upon my re-appointment to the chief command of the Army; but soon flew off from that subject, and then ran on, in perfect good humour, but with the greatest rapidity and with little or no connection, upon the most trifling topics, at times hinting at some of the subjects of his delusion, in spite of all our endeavours to change the conversation.—This continued the same during his ride and the whole of the Queen's visit in the afternoon; and though this morning his Majesty was quieter and less rapid in the change of his ideas, yet the topics of his conversation were equally frivolous.

"I was so much shocked at what I had observed both on Wednesday and during the different visits of yesterday, that I took an opportunity, when I left his Majesty yesterday evening, to have a conversation with Dr. Robert Willis, who very candidly stated to me his opinion, that his Majesty had lost ground this week, and that though he thought very seriously of the state of his bodily health, he was much more alarmed at the apparent frivolity or rather imbecility of his mind. He added that something ought to be done; but that, in the present state of his Majesty's mind, it was in vain to hope that any conversation with him would be attended with any good effect.

* * * * * *

"I am ever, my dear Lord,
"Yours most sincerely,
"FREDERICK."

The 18th of June 1811 brought on, in the House of Lords, a discussion of certain petitions from the Roman Catholics, which Lord Donoughmore moved to refer to a Committee of the whole House.

The Bishop of Norwich argued in support of the motion, quoting Fenelon and Archbishop Wake, and appealing to the opinions of Mr. Pitt and Mr. Fox, Mr. Burke and Mr. Windham.

Lord Grenville, who spoke later in the debate, insisted that Mr. Pitt's resignation in 1801 had been produced by his sense of the indispensable necessity of coupling, with the Irish Union, Roman Catholic equalisation.

The Lord Chancellor followed.

"The Noble Lord who has just sat down," said he, "has "spoken of the opinions held by Mr. Pitt at the time of the "Union. I was not myself at that particular time officially "connected with Mr. Pitt,—to whose name and memory I "believe I have shown as much attachment as ever was "evinced by the Noble Lord, or by any other of Mr. Pitt's "friends; but some time afterwards I did enjoy his confidence "as one of his colleagues, and I can say that in many, many

"conversations with him on this particular subject, I took "the opportunity of trying to learn from him what was the "nature of the securities and safeguards he intended for the "Protestant Establishment, and of stating that until it were "declared in what these were to consist, I could not shift my "foot from the solid ground of the Constitution. I aver, upon "my honour, with all due respect for that great man, that he "never could tell me what were the securities and safeguards "he himself contemplated as likely to afford the necessary "protection. A late publication of the Noble Baron who "spoke last has dealt with this subject of safeguards.* It "has proposed the check called the Veto, without which it "appears he will not agree to these claims, but which the "Catholics as positively declare they will not concede. Of "no other security have I heard. God forbid I should refuse, "to any class of my fellow-subjects, any privileges which it "would be safe to allow them; but I am not prepared, when "specific propositions have been unsuccessfully brought for-"ward, to go upon general grounds into a Committee, there "to raise unfounded hopes, or excite groundless fears. I must "know first wherein the safeguards are to consist, and then "I shall understand better what I am going to do.

"When I look into the books which lay down the prin-"ciples of our laws and constitution in Church and State,— "the books of civil law, the books of canon law, nay, the "Book of Common Prayer, which last, I think, ought to have "its weight, and a conclusive weight, with a Reverend Prelate "of our Church†,—I cannot, especially as a lawyer, accept "the opinion of Mr. Fox, for whose name I have much "respect,—nor those of Mr. Pitt, Mr. Burke, and Mr. Wind-"ham,—as decisive on this subject. We are now told that "the King's supremacy means nothing.‡ I hardly can tell "where I am—I could hardly think myself in a British "House of Lords, when I heard some of the things uttered "this night. I have read something of Archbishop Wake,

* Lord Grenville's Letter to Lord Fingall on the Veto.

† In reference to the speech of the Bishop of Norwich.

‡ This seems to refer to a part of Lord Donoughmore's opening speech.

" having myself, in early life, been intended for the Church,
" and I can quote him, page by page, with other Noble Lords;
" and I could quote Fenelon, too, on some of these subjects.
" Am I too rash in standing upon the Constitution of Eng-
" land and the principles of the Revolution, which united and
" knitted together a Protestant State and Constitution, and
" a Protestant Church Establishment, for the express purpose
" of handing them down together, with all their benefits, to
" our remotest posterity? Will your Lordships concur to
" alter the settlement of 1688, by consenting to a motion
" which can create only uneasiness and disappointment?
" There is no security to be heard of but the rejected Veto.
" I may be called a bigot, ay, very likely, a monk; but in
" answer to such epithets I have still to say, Give me your
" distinct propositions—explain to me your safeguards and
" your securities—and then I will most anxiously consider
" and examine them on their own grounds, and see what can
" be done; but I will not consent to go into a Committee on
" any general statement of a petition."

The motion was rejected, by a majority of 121 against 62.

On the following Friday, the 21st of June, a bill being before the House for the regulation of Army Prize-money, Lord Suffolk spoke at length upon a variety of topics which he conceived to be more or less connected with this subject. Among other matters of complaint he alleged great delays and abuses, in the Admiralty Prize Courts, and unrolled upon the floor a proctor's bill of twenty feet in length.

The Lord Chancellor said, it would be an inexcusable waste of their Lordships' time, to consume it in answering even that very little of the Noble Earl's speech which had any reference at all to the measure before them. He thought it his duty, however, to vindicate the principal officers of the Court of Admiralty*; and to express his regret that a mem-

* Of which Sir William Scott was the judge.

ber of the high Assembly he was then addressing should have introduced a piece of mummery never before witnessed within those walls, and altogether unbecoming the dignity and gravity of that branch of the Legislature.

Lord Eldon to Dr. Swire—(Extract.)

"My dear Swire, (Endorsed, June 26th 1811.)

"I am in health very well: I think better than usual. I need not tell you that I have been sorely goaded, and vexed, and tormented this Session; but I defy all my foes, and a man cannot have had the duties to execute in life which I have had to discharge, without having many and bitter foes. Of my poor old master I don't despair, though I do not confidently hope about him. When I give up the Seal, you may look upon that as an act of despair; for though the Regent has certainly conducted himself to *me*, personally, in every respect as well as I could desire, I serve only that my master may find me at my post, if he returns to his; and when I give up the hope of that, I have done. I cannot quit the expectation of a ride with you yet to Eldon, and nobody can say how soon that may be."

* * * * * *

On the 6th of July 1811, a marriage took place between James William Farrer, Esquire (then at the Bar, now a Master in Chancery) and the Honourable Mrs. Scott, the widow of the Chancellor's eldest son, and mother of the present Earl, who writes of it in these terms:—

"My Grandfather objected to this marriage; not on personal grounds, but stating himself to be averse to 'vota iterata,' to second marriages; curiously, perhaps, for he himself was the offspring of a second marriage. After the event, however, the lapse of time, and the unexceptionable conduct of the parties, gradually obliterated these impressions."

Lord Stanhope, on the 27th of June, had intro-

duced a bill into the House of Lords, having for its main object to maintain the value of bank notes in relation to gold coin. The Chancellor supported the principle of the Bill both on this first occasion, and on the motion for the third reading, which was made on the 8th of July.*

The 24th of July concluded the Session of Parliament, which was prorogued by Commission, after the reading by the Lord Chancellor of a speech from the throne.

Ireland had now become a subject of almost unceasing uneasiness to the Government. Although the intended convention had been frustrated by their vigilance, the means of repressing such movements for the future was matter of abiding anxiety. The succeeding letter has an especial interest at the present day:—

Mr. Perceval to Lord Eldon.

"My dear Lord,

"I have forwarded the papers from Ryder, to the Cabinet room. I have, however, as I conceived you wished, kept back your note to me. I enter into all the difficulties, which you anticipate as likely to arise upon the main question concerned in the proceedings of the Irish R. Catholics; but I differ a little as to the practical consequence of those difficulties on the present question. I think, upon the point of preventing a R. Catholic *Representative Assembly* from sitting in Dublin, we shall have no differences in the Cabinet, and very little even in Parliament; and that consideration leads me to this conclusion upon the subject of the legal question, viz. I should be prepared to advise a prosecution against such an illegal assembly, *even if I had more doubts as to its illegality*, because I feel assured that if the Irish Government is to be

* See Statutes 51 Geo. 3. c. 127. and 54 Geo. 3. c. 52.

upheld at all, such an assembly *nosing* it in its metropolis cannot be endured,—and that the prosecution will bring the question to its fair issue,—*for if the law is not at present strong enough to prevent it*, it must be made so,—at least it must be submitted to Parliament to make it so. And I have no doubt, if we take our measures wisely (that is, upon full proof that the assembly is truly *representative*, however its title may be disguised), that Parliament will see the absolute necessity of putting it down.

"I certainly agree with you, that it will be necessary for the Government of the country to take a decided line upon the question itself, independent of the temporary objection to it upon the ground of the King's feelings; but I have a sanguine belief that when the time comes for taking that decided line, that most of those who now concur with us in opposing the claims upon mere temporary reasons, will see the necessity of resisting them upon general principles; and that this very measure of bringing their R. C. Bishops into the Representative Assembly, will go a great way to opening people's eyes upon this subject. We shall meet at four.

"I am, my dear Lord, yours most truly,

"SPENCER PERCEVAL.

"Downing Street, July 25th 1811."

Informations were accordingly filed against several persons. One of them, a Mr. Kirwan, was convicted; and the Government, having established their construction of the law, and being in hopes to conciliate by lenity, were content that a nominal fine should be imposed on Mr. Kirwan, and directed the discontinuance of the remaining prosecutions.

Mr. Perceval to Lord Eldon.—(Extract.)

(Not dated; written probably August 1811.)

"My dear Lord,

"I am much vexed at thinking I shall be out of the way when you come next to Windsor, as I should have been particularly glad to have seen you. I must, however, content

myself with opening the subject by letter, on which I should have had to communicate with you in person if we were to meet. It respects no less a matter than the meeting of Parliament. It must meet and sit, you know, for six weeks before the restrictions of the Regency Bill can expire. The day pointed out in the Act, for their expiration, is the 1st of February. If Parliament does not meet before Christmas, of course the restrictions must be prolonged from the 1st of February for six weeks from the date of its meeting. Under these circumstances, I think we can hardly pass over the next prorogation without knowing the Prince's pleasure, whether he thinks it so material that the Regency restrictions shall expire on the 1st of February, as to make it necessary that Parliament should meet before Christmas. This is a point so very much of feeling for H. R. H. himself, and in which he is so directly and personally interested, that I cannot but think myself he ought to have it submitted to his most free decision with as little opinion and advice from his servants upon the point as can be. But if he should determine, as he naturally may and probably will, that Parliament shall so meet as that the restrictions shall expire on the day mentioned, it is a pretty material consideration, on which we should form an opinion, whether it should not meet so long before Christmas as to enable us to arrange, before the Christmas vacation, the household and any other questions which Parliament may have to provide for. I conclude, till I hear the contrary suggested, that our opinions will be, that the household arrangement, &c. should be concluded before the present restrictions expire; and, if so, it will not be desirable, I think, to adjourn at Christmas, with that work commenced but left imperfect.

* * * * * *

"To conclude upon these questions, and such as may be connected with them, I think it will be essentially necessary that we should have our Cabinet friends meet in force. either in the last week in September or the first week of October; and they ought to know what the business is, and that it is probable they may be detained for a few days. I should like, therefore, to know from you what time, which

would answer these purposes, would best suit you to be fixed for the assembling our Cabinet friends.

"I am, my dear Lord, yours most truly,

"S. PERCEVAL."

A meeting of the Queen's Council at Windsor, for the ascertainment of his Majesty's state of health, took place in the latter part of August; but the symptoms were not of such a nature as to afford hopes of any speedy recovery. The Lord Chief Justice, who was detained from the meeting by the business of his circuit, writes thus:—

Lord Ellenborough to Lord Eldon.—(Extract.)

"I shall be anxious also to learn the result of your deliberations on the important question, which was to be considered by you on Saturday last.—My maxim is always on such subjects, 'Salus Regis, suprema lex,'—and to which, or the probable chance of promoting which, every lesser consideration of favour, or the fear of giving offence to himself or others, ought, in my opinion, to give way.

"I remain, with great regard, my dear Lord,

"Very faithfully yours,

"Waldershare, near Dover, "ELLENBOROUGH.
"August 25th 1811."

Lord Eldon's genius, unquestionably, was not of a poetical turn; but the following stanzas, from a little poem addressed by him to Lady Eldon, at the close of 1811, after a union of almost forty years, have the merit of flowing from a higher fountain than that of the Muses.

"November 18th 1811.

"CAN it, my lovely Bessy, be,
That when near forty years are past,
I still my lovely Bessy see
Dearer and dearer at the last?

"Nor time, nor years, nor age, nor care,
Believe me, lovely Bessy, will—
Much as his frame they daily wear—
Affect the heart, that's Bessy's still.

"In Scotland's climes I gave it thee,—
In Scotland's climes I thine obtain'd,—
Oh, to each other let them be
True, till an Heaven we have gain'd.

"ELDON."

About this time Sir William Scott had contracted to buy the Stowell estate in Gloucestershire, on account of which he was to make a payment, early in 1812, of about sixty-five thousand pounds; and he had prepared himself at the end of December 1811 with this sum, which he was going to place to his own account with his bankers, intending it to remain there till a certain early day which had been fixed for the execution of the conveyances. In his way to the city for this purpose, he had occasion to call on the Chancellor, to whom he mentioned the sum he was about to deposit. Lord Eldon, observing upon the magnitude of the amount, recommended, that instead of leaving it with any banker, he should keep it, for the few days which would intervene before the conveyance, in his own house. Sir W. Scott followed this advice;—and on the 2nd of January his bankers stopped payment.

It has been surmised that Lord Eldon had learned the probability of this failure through some private channel, or been led to suspect it, from some circumstance which had come before him judicially; but there is no apparent ground for this conjecture; and his advice seems to have proceeded solely from his habitual caution, which led him to apprehend that

65,000*l.* was too large a sum for the owner to leave, without security or some special reason, in the possession of any body else.

The particular physicians who had succeeded in the treatment of his Majesty's disorder in the years 1801 and 1804 had not been called in upon this last attack, the Queen, it should seem, being apprehensive that there were certain associations connected in his Majesty's mind with their presence, of a nature likely to increase his excitement. But when the spring, the summer, and the autumn had passed away without any decisive improvement in his health, it appeared, to Lord Eldon and some others of the Council, to be indispensable that some trial should be made of those attendants, whose treatment, in the two former instances, had been followed with speedy success. Lord Eldon offered this advice to the Queen, who dissented from it. He then thought it his duty to prepare and submit to her Majesty a formal representation in writing. It appears to have been received by the Queen with the consideration due to so careful and loyal a remonstrance; for, on the 9th of the same month of October, both Dr. Simmons and Dr. John Willis were permitted to see the King, upon whose state they, together with the other physicians, were examined in January by a Committee of the House of Lords. The result of this examination, however, gave little encouragement to the hope of his Majesty's recovery.

CHAPTER XXXIII.

1811—1812.

CONFIRMATION OF THE MINISTRY: LETTERS OF MR. PERCEVAL TO LORD ELDON AND OF LORD ELDON TO MR. PERCEVAL.—DEBATES: ON FRAME BREAKING: ON THE CONSTITUTION OF THE MINISTRY. — STATE OF PARTIES. — CATHOLIC QUESTION: LORD ELDON'S SPEECH. — LETTER OF LORD ELDON TO DR. SWIRE: REMOVAL OF THE PRINCE'S PREJUDICES AGAINST LORD ELDON. — MR. M. A. TAYLOR'S CHANCERY MOTIONS AND COMMITTEES: SIR S. ROMILLY'S DIARY: LETTER OF LORD ELDON TO MR. PERCEVAL. — ASSASSINATION OF MR. PERCEVAL: NARROW ESCAPE OF LORD ELDON: LETTERS OF PRINCESS ELIZABETH AND OF LORD ELDON: MR. PERCEVAL'S MERITS: TRIBUTE TO THEM FROM MR. CANNING.

It would have been necessary, as Mr. Perceval reminded Lord Eldon in his letter of August 1811, that Parliament should meet six weeks before the 1st of February 1812, if the restrictions were intended to determine on that day. The Prince Regent, however, had too much of delicacy, or at least of good taste to assemble the legislature for such a purpose at an unusual season; and accordingly its meeting for the despatch of business did not take place till January 1812. On the 7th of that month, the Session was opened by Commission, in a speech delivered by the Chancellor on behalf of the Regent; and as the restrictions were to cease in six weeks from that date, and no symptoms of improvement were discoverable in the Sovereign's mental health, it became apparent that the Prince Regent would shortly have

to consider of some definitive arrangement for the future conduct of public affairs. By this time, Mr. Perceval, who, as the head of the Government, was naturally and necessarily the Minister in most frequent communication with the Regent, had acquired much of his Royal Highness's confidence; but this had not yet extended itself to the Chancellor, who was still an object of considerable suspicion to the Prince and his immediate courtiers. Mr. Perceval, however, did not the less on that account continue to behave with his characteristic frankness to the Chancellor, as will be seen from the postscript of the note which follows:—

"My dear Lord,

"I think it may possibly be convenient, that you, and Liverpool, and myself, should meet for a few minutes, before we assemble at Carlton House to-morrow:—if you agree, perhaps you will call here at about half past one,

"I am, my dear Lord,

"Yours most truly,

"SP. PERCEVAL.

"Downing Street, Jan. 18th 1812.

"I have had a hint this evening, that it was very material I should hear what you have to state to me *with great prudence.*"

The first practical proceeding of the Regent, towards a re-arrangement of his Ministry, was a letter addressed by him on the 13th of February to the Duke of York, in which the Regent, after stating that his sense of filial duty had originally been his sole motive for retaining his father's Ministers, adverted to the recent successes of the great contest in the Peninsula, and declared his resolve to persevere in the present system. "I cannot withhold," continued his Royal

Highness, "my approbation from those who have "honourably distinguished themselves in support of "it. I have no predilections to indulge, no resent- "ments to gratify, no objects to attain but such as "are common to the whole empire."—"Having made "this communication of my sentiments in this new "and extraordinary crisis of our affairs, I cannot "conclude without expressing the gratification I "should feel if some of those persons, with whom the "early habits of my public life were formed, would "strengthen my hands and constitute a part of my "Government." Those sentiments he, in the same letter, authorised the Duke of York to communicate to Lord Grey, with liberty to the latter to make them known to Lord Grenville. A postscript was added, in these words: "I shall send a copy of this letter "immediately to Mr. Perceval."

As soon as this project became known to Lord Eldon, and before he had any means of learning in what way it would be received by Lords Grey and Grenville, he addressed to Mr. Perceval the following letter, which eminently deserves the attention of all speculators in coalitions between parties of opposite principles:—

"Dear Perceval, "Saturday (probably Feb. 15.)

"As it may not be absolutely impossible that, in the course of this day, during my absence at Windsor, something may pass, tending to proposal to associate me in a talk with Lords G. and G. upon junction, permit me to state, in a few words, that my determination to take no part in that talk is founded upon the following reasons, and, if *necessity* requires it, you may so state to the Regent:—

"That I think it not consistent with my honour to take part in a negotiation for a junction, in which junction I can take no part. I can take no part in it.

"Because, having been twenty-nine years in Parliament without deviating, as far as I can recollect, from my principles with respect to the Constitution of the country and the means of supporting its Monarchy, there appears to have been, in that long course of years, no agreement in those principles between Lord Grey and myself.

"Because there was no such agreement between Lord Grey and Lord Grenville between 1783 and 1801.

"Because there has been no such agreement between them and myself since 1801.

"Because my decided opinion is, that all attempts at making strong administrations upon broad bottoms must be known, to those who are practised politicians, to be frauds upon the country originally,—and frauds which, whether such politicians know *that* or not, can no longer be effectually practised upon the country. The great mass of the people, through many ranks of which I have passed, I know, hold the thing, and the men that are engaged in it, in utter detestation, producing absolute weakness in Government, and of course deeply affecting the interest of the Crown.

"Because the difference with respect to Catholic question, American affairs, Spanish affairs, and bullion, are in my opinion too deep to be skinned over.

"Because, if that were not so, differences, upon most essential points of Government, avowed for thirty years, clearly establish that Lords G., G., and Lord Eldon '*non bene conveniunt.*"*

"Because my situation is peculiar. Lord G—y said in debate, and Lord G—y, Lord G—e, and others who, if they come into administration, must come into administration along with them, have said in their protest upon the Journals, what I can give no countenance to by coming into their assembly.†

"Allow me to add, that you know how much my heart has been wrung with the difficulties of holding office, when I

* — nec in unâ sede morantur. *Ov. Metam.* lib. ii. l. 846.

† See Parl. Deb. Jan. 28th, 1811, and Protest in Lords' Journals, same date.

have been obliged, but I hope justified, in taking the painful part I have had to execute, with regard to the situation of my Sovereign and Benefactor, my revered Master.

"Yours, my dear Perceval,

"ELDON."

Some of the same considerations, which actuated Lord Eldon, operated also on the two leaders of Opposition. On the 15th they returned an answer to the Duke of York, in which they declared that their differences of opinion with the existing Ministers were too many and too important to admit of the proposed union; especially their differences on the subject of the Roman Catholic disabilities, the repeal of which they would feel it their first duty to advise. The result of their refusal was thus made known to Lord Eldon:—

(No date; must have been written Feb. 1812.)

"My dear Lord,

"The answer was a refusal—on public grounds—to have any thing to do with us. The Prince sent to me immediately, to show the answer and to authorise me to say that I was to be continued his Minister.

"Yours, most truly,

"SP. PERCEVAL."

The only material change, which now took place in the Administration, was the retirement of Marquis Wellesley, who was succeeded as Secretary for Foreign Affairs by Lord Castlereagh.

A bill had been introduced into the House of Lords for the prevention of the offence of frame-breaking, which had of late become alarmingly frequent, particularly in the county of Nottingham. There appeared to be an extensive conspiracy against the use of machinery, which this bill proposed to defeat, by render-

ing the offence of frame-breaking punishable with death, and compelling the parties in whose houses the frames should be broken to furnish information to the magistrates. It was against the second reading of this bill, on the 27th of February 1812, that Lord Byron made his first address to the House of Lords—a sarcastic discourse, adapted rather to the taste of a popular meeting than to the business of a legislative assembly. The Lord Chancellor defended the measure, and explained the error of the notion that the general interests of the labouring classes had been injured by the introduction of machinery. The second reading was carried, and the bill proceeded.*

The 19th of March was an important day in the House of Lords; for the communication made by the Prince Regent, through the Duke of York, to Lords Grey and Grenville, was then brought under the consideration of that branch of the Legislature, by a motion of Lord Boringdon to address the Prince Regent for an Administration which should unite, as far as possible, the confidence and good will of all classes. Some heat was exhibited very early in the debate, and some speeches to order, themselves disorderly, were made by several peers. Of these trespassers it must be confessed that the Lord Chancellor was one; his indignation having been excited by some animadversions on the conduct of the Prince Regent, whom he deemed entitled, as the representative of the King, to the same respectful forbearance in debate which was constitutionally required as to the King himself. It was in the vindication of this principle, that Lord Eldon slipped into the irregularity of alluding to a former evening's discussion, in the course of which

* 52 Geo. 3. c. 16.

a peer had inquired, whether a certain article, in a newspaper then produced by him to the House, was a letter from the Prince Regent. That inquiry, the Chancellor warmly declared, was in his judgment so highly improper, that if any confidential servant of his Royal Highness had given an answer to it, he would never again have entered the same room with that person for the purpose of confidential advice. Lord Grimston, who had been addressing the House when this irregular discussion arose, now finished his speech with an amendment, expressive of gratitude to the Prince Regent, and of confidence in his endeavours to promote the honour and welfare of the country. The debate which followed turned principally on the claims of the Roman Catholics, as being the subject of difference which chiefly prevented a union of parties.

"The Lord Chancellor said, that before he could change his opinions on that question, he must be convinced that the principles of the Revolution were erroneous. At present he saw nothing but danger in concession. That was the ground of his resistance to an extension of privileges and power to the Catholics; and he would confess that whoever resisted it on any other grounds deserved to be an object of detestation. This motion sought to unite the leading men of opposite parties; and yet the mover himself admitted the total impossibility of their co-operation. How, then, was the Prince Regent to form the extended Administration which the motion proposed? As to the present Ministry, he believed that the people of this good-natured country were weak and foolish enough to sanction it by their confidence. Good-natured people, he supposed, were always weak; but let the cause be what it might, it did so happen in point of fact that the Ministry was in possession of the people's confidence, and this was no very great reason for addressing the Prince Regent to change it. If there was any power which could be regarded as inherent in the Crown, it was the power of choosing the Crown's own servants.

What he had said in 1807 he would now repeat, and that was, that he did not understand what advisers the Sovereign could be supposed constitutionally to have, in the act of choosing his Administration. After the Administration was chosen, then indeed there existed responsible advisers; but until that had been done, he did not know where to look for them. How this reasoning applied to one of the letters, he would leave it to Noble Lords to judge—a letter which, notwithstanding all he had heard to the contrary, he could not but consider it disorderly to have brought into discussion. It had been urged that there was no standing order against the mention of such a document. Neither was there any standing order pronouncing it unparliamentary to use the King's name for the purpose of influencing debate; and yet who was there that would deny such a proceeding to be unparliamentary? If the proposed address should be adopted, Parliament would be trenching on one of the clearest prerogatives of the Crown; it would be attempting nothing less than that it should itself appoint the Ministers; and such an attempt by Parliament would here be the more glaringly unconstitutional, because no one act of the Ministers now in office had been marked with its disapprobation. It was said that the Ministers now in office were averse from the consideration of the Roman Catholic petitions: but to that he could only answer, as he had often done before, that the basis of his opinions was the principle of the Revolution. That principle was civil freedom, engrafted on religious freedom, on liberal and extensive toleration; but still with a connected view to the maintenance of the Protestant National Church and of the Protestant succession. Everything was at that time done in entire consistency with these objects; and now we were asked to depart from the establishments then so wisely and so liberally formed, and to depart from them without the provision of any counterpoise to the probable danger.—After repeating what he had said about securities in his speech of 18th June 1811, he proceeded to defend the policy of Ministers towards the United States, and concluded by observing upon the impossibility of obtaining a Government which should answer the description given by the address, in the sense of its mover.

The motion was negatived by a majority of 165 to 72.

The refusal of the Whig leaders to concur in the formation of a chequered Ministry was one which undoubtedly did them honour; but the tone taken afterwards in debate by Earl Grey and his partisans, and particularly their broad insinuations that Court influences and intrigues had warped the mind of the Prince Regent, were of a nature to give great offence to his Royal Highness, who, from this time, began to look very coldly upon his old acquaintances, and was presently made the subject of the bitterest invectives by their followers, both in society and in the public press. His disavowal of "predilections" was vastly unsatisfactory to those who had been expecting the monopoly of his favour; and his disclaimer of resentments was deeply distasteful to certain fierce spirits, less eager even for office itself than for the destruction of those who had so long excluded them from it. Lord Eldon gives this sketch of the temper of divers parties:—

Lord Eldon to Sir William Scott. —(Extract.)

"Dear Brother, (Post-mark, March 30th, 1812.)

"Little or no news. The L'Orient Squadron have got into Cherbourg. The game of the Princess of Wales is to be the grand sport of the remainder of the Session. Her husband is furious indeed with indignation against the "early friends." And it is now, as we used to suppose it heretofore, that is, that he knows every word that is uttered at Blackheath or Kensington. Sidmouth is all but President of the Council, and I suppose will be so before the meeting of Parliament. Some of the Dissenters are writing against the *Papishes*, and publishing dissuasives against making cause with them. The London clergy petition, and some few addresses, very few, come from different parts in favour of the poor old Church."

The annual motions in the two Houses of Parliament, for Committees on the Roman Catholic claims, derived, in 1812, a more especial and personal interest from the prominence which had been given to this subject among the reasons assigned by the Whig leaders for their refusal to join the Ministry. The motion in the House of Lords was made on the 21st of April, by the Earl of Donoughmore. Lord Grenville, having spoken at some length in support of it, was answered by the Lord Chancellor.

He prefaced his speech by observing that the petition of the University of Oxford against the Roman Catholic claims, and his own connection with that numerous and respectable body of petitioners, rendered it incumbent on him to meet the present proposal with more than a silent vote. This petition, he affirmed, was not, as had been imputed, the result of illiberality, or bigotry, or intolerance, but of full and fair deliberation, of the well-grounded and loyal attachment which had ever been evinced by that learned body towards the Constitution of their country, and of a just reference to the principles upon which that Constitution was founded in 1688. "On my own part too," said he, "I deny that I have ever dealt with this subject upon any principle of intolerance. I never did, nor ever will I, give any vote against extending the religious or the civil liberties of any class of his Majesty's subjects, when I think I can vote for the extension consistently with the security of our own establishments; but I shall always be guided, in my decisions on such subjects, by what I conceive necessary to maintain the Constitution as by law established for the happiness and security of the great whole.

* * * * * *

"Will your Lordships give me leave to call your attention to *what* the motion now before you is? It is that you will go into a Committee on the laws which exclude Roman Catholics from place and power in the state, with a view to devise the means of abrogating these laws; and it is warmly

asserted that the Protestants of Ireland are equally desirous of this change with the Roman Catholics. But, my Lords, if you have any regard to the Protestant Church of Ireland, which exists now not as a separate establishment, but as one united for ever by the act of Irish union with the Protestant Church of England, I ask how can you go into such a Committee and with such views, without affecting the Protestant Establishment in both countries. And I shall be glad also to know how you can exclude from such a consideration his Majesty's Roman Catholic subjects in Scotland. Their numbers may be smaller, but the principle is the same; and the question therefore must affect not only the Established Church of England and Ireland, but also that of Scotland, where it must tend to do away the Test Acts, settled for that country by compact made at the time of our union with her. Easy as it may seem to the Noble Lord to dispense with the laws of England and Ireland upon this subject, I believe he will not find it so easy to deal with the Test of the law of Scotland."

He proceeded to argue, that the disturbance of the laws which were regarded as established for the safety of the Church ought not to be permitted unless clearly shown to be necessary for the tranquillity of the Catholics and the safety of the Protestants; and that if such a necessity were shown, the House ought not to interpose the delay of a Committee, but to legislate at once. The object of the Revolution had been to protect our Protestant religion, as well as our civil liberty. This he argued from the language of the Bill of Rights, and from the authority of Somers and Hardwicke. Lord Hardwicke had designated Protestantism as the very keystone of the Constitution; and it was now proposed to take away that keystone, and bring down the ruin of the whole fabric. It had been said that the union with Ireland had removed the danger, because the Catholics who might vote in the Imperial Parliament would be but a small proportion of the aggregate legislature; yet the argument now urged was the danger to Ireland from the large proportion of the Catholics to the Protestants in that kingdom. — He then addressed himself to the proposal of the Veto, commenting upon the rejection of it by the Roman Catholic Authorities,

and upon Lord Grenville's language in his speech of that night and in his letter to Lord Fingal. He called for some definite security before he could consent to an arrangement, which he held to be so totally inconsistent with the principles of the Revolution, as that of a Protestant Prince on the throne with Roman Catholics sitting in Parliament. He gave them full credit when they disavowed the sentiments by some imputed to them, on the subject of keeping faith with heretics; but he was bound to consider the difficulties of admitting them into Parliament or into places of trust and authority in the State. In Parliament they would have to legislate for the government of a Protestant Church; in the councils of the Crown they would have to advise upon the disposal of Protestant bishopics — they, who in the matter of their own bishoprics would allow to the Crown no control whatsoever. The principle of the Constitution from the days of the Revolution downward had been, and still was, that the King should be the head of the Church; but the proposal of the present motion was to surround him with advisers who denied his supremacy.

The motion was negatived by a majority of 174 against 102.

Lord Eldon to the Rev. Dr. Swire. — (Extract.)

(Endorsed April 24th, 1812.)

"And now, my dear Swire, allow me to discuss with you my present situation, and the strange, the unaccountable occurrences, which have taken place in the last eighteen months. When my dear old Master, under the severe dispensations of Providence, but such as I humbly must suppose to be right, because they are the dispensations of Providence, could no longer personally execute his great functions, I thought that I should have been as able, as, most sincerely speaking, I was willing, to quit the labours, which no man can endure unless the same Providence shall sustain him with the blessings of health and composure of mind and temper, which are indeed but rarely to be looked for at any period of life, and at mine, very, very rarely indeed to be looked for.

"The medical men thought his Majesty's speedy recovery

highly probable: — the Prince therefore thought that, in duty to his father, he could not dismiss his father's servants. How was it possible, that whilst he acted under such a feeling of duty to his father, his father's servants could refuse to act under him as the representative of his father? With wishes as anxious as ever man formed, I could not reconcile to myself the notion, that whilst the father's son so conducted himself, the father's most grateful servant could refuse to take his share in a state of things, which, for the father's sake, the son determined should remain undisturbed by him. So matters went on through the year of restricted Regency. Before the close of it, the Prince had totally altered his opinion of the men whom he had hated — and I have his own authority for believing that the kingdom produced no man whom he more hated, than your friend, the writer of this letter. Though the prospect of his father's recovery had grown more gloomy, and though I fear it will never brighten, I must do him the justice to say, that he has always declared to me that he will never despair till his father ceases to live: and my own real opinion is, that whatever motives his friends or foes may, in their conjectures, ascribe his late conduct to, he has been principally governed by a feeling that, if his father should recover, he would never forgive himself if he suffered him to awake to a scene in which the father should see his servants discarded by his son. The same sentiment appears to me to have governed him with respect to the Catholic question, with regard to which, I believe that, after his father's death, he will act with a due regard to the established religion. But, with the possibility before him, though the utter improbability, of his father's recovery, I believe the world would not induce him, as far as he is concerned, to countenance any measure that would shock his father's feelings, if, contrary to all expectation, he should recover. With such determinations on his part, with reference to his father, daily and constantly proved to be most sincerely adopted by him in his intercourse with me, how could I possibly refuse to consent to what his entreaty pressed upon me, to remain in the service of a son so conducting himself towards the father to whom I owe so

much? or how could I break up an administration, which must be succeeded by another which would overturn all that I think right? God knows that we live in times when public office, if it is not vanity, is literally and truly labour and vexation of spirit, and how I get through my share of it I know not:—but God is very kind to me. I have given you the outline of what has governed me in my conduct, and though I care not at all as to the opinion of the world in general, I should be deeply hurt if YOU could not approve it. Interest, or ambition, or even private wishes, have had nothing to do with it. I have believed myself to have been acting right, and I hope in God that I have been so acting. To this subject I confine this letter — I shall write you another on more trifling subjects. To this I add only the very sincere and affectionate regards of Lady E., Bessy, &c., to you and Mrs. S., with those of, my dear Swire,

"Yours ever most truly,

"ELDON."

In his Anecdote Book, and in conversation with Mrs. Forster, he thus explained the favourable change in the Regent's opinion of him:—

"His Majesty, George IV., has frequently told me, that there was no person in the whole world that he hated so much as, for years, he hated me. He had been persuaded that I endeavoured to keep him at a distance from his father; but when he came into possession of his father's private papers, he completely changed his opinion of me, in consequence of the part which, from my letters, he found I had always taken with reference to himself. He was then convinced that I had always endeavoured to do the direct contrary of what was imputed to me. He told me so himself, and from that time he treated me with uniform friendliness."

Mr. M. A. Taylor's Committee of 1811, which had

been re-appointed by the House of Commons on the 26th of February 1812, sate several days in March and April, and reported on the 18th of the latter month, appending the new evidence. Sir S. Romilly thus explains, in his Diary, the reason why this Committee, of which he was a member, did not enter into the examination of the causes of delay.

"April 15. — It was suggested, that the only course we could take was to call before us the principal persons who practise in the Court of Chancery, and to inquire of them what, in their opinion and from their observations, were the causes of the delay. This was very strenuously opposed by many members of the Committee, by the Solicitor-General, who had never attended it before, by the Attorney-General, by Master Simeon, Master Morris, Leicester, Giffin Wilson, and Kenrick. They said that so to proceed was to prefer a charge against the Chancellor; that it was putting the counsel who would be examined in a very invidious situation; that it was destroying the respect which ought to be preserved towards a magistrate at the head of the judicature of the country; and that it was not difficult in any Court to find some person who, thinking his talents had not met with all the encouragement from the Court, which, in his own opinion, they seemed to deserve, entertained and would deliver a judgment unfavourable to the judge. To this it was answered, that it was very true that counsel and attornies, who practised in the Court, would be put in a very unpleasant situation, in being examined as to what might tend to censure the judge of the Court in which they practised; but that there did not appear to be any other authentic source of information which could be recurred to, and therefore that this must be submitted to; that it was singular that the friends of the Chancellor should take for granted, that an inquiry from the persons best qualified to give information would necessarily criminate him: it would criminate him only if he were really to blame, and if he were, it was the duty of the Committee to ascertain the fact: that the objections now made were in truth objections

to the appointment of any Committee, and the Committee being appointed, it was too late to make them; that it was very true, that some one or two persons might perhaps be found in a court of justice, who, from pique and disappointment, might be desirous to calumniate and injure the judge; but for one such person, it was probable that there would be found twenty who were eager to palliate the defects, to exaggerate the merits, and to seek the countenance and favour of the judge in whose Court they practised. To bring the matter to a decision, I moved that Mr. Richards, as being the senior counsel attending the Court who is not in Parliament, should be summoned to attend and give evidence. The seven persons I have already named voted against this resolution; those who voted for it were only six in number, Martin, Horner, Brougham, Abercromby, Bankes, and myself. Taylor, the chairman, had a right to vote, and then to give the casting vote, and by this means the question would have been carried; but Taylor did not know this, and did not vote, in consequence of which the question was lost. This puts an end to the Committee for any useful purpose."*

It does not very clearly appear by what accident Sir S. Romilly and the rest of the six neglected to apprise poor Mr. Taylor of the right which he thus suffered to slip from his hands. Be that as it may, Taylor, when he found out the blunder which he had made,—and which his good-natured friends no doubt were very ready to tell him of when the information came too late to help him,—was very uneasy till he could get a chance for retrieving himself. Within a few days therefore he was again in motion.

Mr. M. A. Taylor to Mr. Perceval.

"Dear Sir, Whitehall, April 27th, 1812.

"As I have not heard from you that any alteration has taken place with respect to the continuance of the bankruptcy jurisdiction with the office of Lord Chancellor, I am

* Memoirs of Romilly's Life, vol. iii. pp. 30, 31.

desirous of mentioning, that, early in the ensuing week, I shall call the attention of the House to the late decision of the Committee, the substance of which I communicated to you.

"You are in possession of my general opinion on the subject, and I understood that you were to have some conversation with Lord Eldon and Lord Liverpool on the arrangement I proposed. — I have the pleasure to remain, with great esteem, Yours most faithfully,

"Right Hon. Spencer Perceval." "M. A. TAYLOR."

Mr. Perceval's communication of this note to the Chancellor drew from the latter a response, which evinced and even confessed a degree of irritability rather unusual with him, and vastly over-proportioned to the importance of the assailant.

"Dear Perceval, (April, or beginning of May, 1812.)

"I return you the enclosed letter. I feel very unwilling to say any thing myself upon it. By the appointment of the Commons' Committee (which I know to have been the effect of surprise, and the revival of which I believe to have been unavoidable, neither of those circumstances being however in any degree intelligible either to friends or foes in the profession in Westminster Hall), and by the fact that that Committee has been formed, not to inquire whether the business of the House of Lords (such as it now is and never before has been), together with that of the Court of Chancery (whether it is increased or not) requires more judicial assistance, but to inquire into the causes of the delays of the Court of Chancery, thereby assuming that there hath been something blameable, as there may have been, — by those circumstances, I have now sate in my Court for above twelve months, an accused culprit, tried by the hostile part of my own Bar, upon testimony wrung from my officers, and without the common civility of even one question put by the Committee to myself, in such mode of communication as might have been in courtesy adopted. When I say that I know that I am, and that my officers, and that my successors will be, degraded by all this, I say what I think I do know. If this occasions surprise in

others, they will at least see that my mind is too sore and too distempered to make it fit that I should decide upon Taylor's question. Does he mean to ask me whether I am to prefer a plan of his, in preference to that which, putting my own judgment out of the case, has been sanctioned by the unanimous opinion of a numerous Committee in the Lords, with such professional assistance as that Committee had? I wish you to consult Redesdale and Grant, and any other you think it right to consult.

"Bankruptcy is too important to be taken altogether from the Chancellor. It is not business enough for a judge, if he have no other. There is no reason why there should be an appeal from an assistant judge, in such petitions in bankruptcy as come before him either by the choice of the parties or by the direction of the Chancellor.

"Though I think a man a fool who affects to think Chancery business not increased; yet, for the sake of argument, suppose it to be that it is not increased. I presume nobody will deny that the House of Lords' business is, unless he can persuade himself that 25 and 300 are equal numbers: and I cannot but think, that if an assistant judge does not take a share of the suits in Chancery, as well as the bankrupt petitions, the Lords' appeals will not be the least relieved. Six weeks would do for the bankruptcies of a year. But I beg that others may decide. Taylor is a great man, and was long ago such a wise one, that I suppose he must be known to be somehow related to Jeremy Taylor the *Ductor dubitantium*, when he over-rules, with his mighty *vult et jubet*, all his doubting brethren of the profession of which he was such an ornament. Yours, ELDON."

Mr. Taylor brought the subject before the House on the 6th of May, by moving that it should be a special instruction to the Committee to examine barristers and solicitors of the Court of Chancery, touching the causes of delay in that Court. That instruction was objected to, as tending to cast upon the Chancellor the blame of a delay, which had been proved to have arisen from the great increase

of the business; and the motion was negatived by a majority of 84 to 20.

The Government, so recently fixed by the Regent's acceptance of his father's Ministers, now received a sudden and appalling blow in the person of Mr. Perceval, who, on the 11th of May, as he was entering the lobby of the House of Commons, was shot by one Bellingham, and expired on the instant. It appears that the motive of the assassin was merely the desire of revenging himself upon any one, it mattered not which, of the members of Administration, on account of an imputed neglect of the British minister at St. Petersburg to procure him redress for certain commercial losses which he had sustained in Russia. In the earlier part of the afternoon, his object seems to have been the Chancellor: who, in his Anecdote Book, thus records the circumstances relating to himself, chiefly on information from his officers: —

"I have reason to believe that I had a most providential escape, when Bellingham shot poor Perceval. I sat in the Court of Chancery at Westminster: during a part of that morning Bellingham was in the Court of Chancery. When I left the court and went into my private room which is behind the court, finding that I had time to take a walk before it was necessary to go to the House of Lords, I undressed and borrowed a great coat of one of my attendants, and a hat, and then left my room, and went up the stairs that lead into the passages to the Houses of Parliament. Bellingham was standing upon those stairs. I passed him thus habited, and in consequence of the change of dress, he probably did not know me to be the Chancellor whom he had seen in court. A very short

interval took place between the moment at which this happened and his assassinating Perceval. At his examination before the Council in the evening, he stated that he had no particular design against Mr. Perceval — that he was determined to destroy one Minister, and Mr. Perceval was his unfortunate victim. I was present at the Council when he was examined. My attendants, about three weeks after the assassination, mentioned to me the other circumstances here related, as taking place before and after I had changed my dress." — Bellingham, when standing at the door of the Court of Chancery, had also been observed, as Lord Eldon told Mrs. Forster, to have his hand within the breast of his coat, as if ready to pull something out from it.

The shock of this event was felt through all classes of the community: and the general regret was very sincerely participated by the Royal Family.

Princess Elizabeth to the Hon. Miss Scott. — (Extract.)

" My dear Madam,

" The Queen has commanded me to write you a few lines, which ought to have been written this morning, to inquire after the Chancellor: for, well knowing how deeply he feels, she greatly dreads that the shock of yesterday may have injured his health. It is impossible not to shrink with horror when one thinks of an Englishman committing murder, and doubly striking when one must ever mourn for the loss of so excellent a man as Mr. Perceval. We live in most awful times: for the loss, both public and private, must be equally felt. We really are so horror-struck, that it is impossible for me to describe our feelings. Your own good heart will better judge, than my pen relate, the agony and misery that was occasioned by my brother Adolphus's arrival last night. This Family have lost one who has ever proved real affection and attachment, and my beloved father has lost a most upright

and conscientious Minister. Our only comfort in the midst of our own trial is, that my father is spared this affliction: for I verily believe, had it pleased the Almighty to have allowed of its being told him, it would have totally overset him.

"The ways of Providence are dark and intricate, and we too blind to understand. It is our duty to submit and trust in God's mercy. That He may mercifully watch over this country will be my fervent prayer.

"My mother commands me to add she would herself have written to the Lord Chancellor, but she thought it better to make me write, well knowing his time is precious, and that it was cruel to add to his troubles by desiring an answer. She begs you to explain this, and I trust you will forgive the length of this letter, which I am ashamed of; but the state of nerves I am in must plead my excuse, for literally I can think of nothing else.

* * * * * *

"Yours very sincerely,

"Windsor Castle, May 12th, 1812." "ELIZABETH."

Lord Chancellor Eldon to Queen Charlotte.

"The Lord Chancellor, offering his most humble duty to your Majesty, whilst he acknowledges with infinite gratitude your Majesty's gracious condescension and goodness in directing inquiries to be made respecting the Chancellor's health, amidst the afflicting circumstances in which he has been lately placed, takes leave to beseech your Majesty to be persuaded that nothing but the distress of his mind could have so long prevented him from returning your Majesty his heartfelt acknowledgments for the proof he has been honoured with, that your Majesty takes some interest in his happiness.

"By the death of Mr. Perceval, the Lord Chancellor has lost a friend whom he valued, esteemed, and loved. His Majesty's people have lost a great and able fellow-subject and statesman, and the Lord Chancellor trusts that his Majesty will do him the justice to believe him when he adds, that his Majesty and his august and illustrious Family have lost a servant, whose attachment to them the Lord Chancellor knows to have been the ruling principle in his heart, and

whose attachment was rendered important because his virtues were universally known. The Chancellor, as himself a servant of his Majesty, anxious for the honour and welfare of all his Majesty's Family, finds it difficult, very difficult, to prescribe bounds to that grief which daily overwhelms him."

"Bedford Square, May 18th, 1812."

Mr. Perceval was inestimable to his party as a parliamentary leader; but he was not very generally regarded as meriting that character of "a great statesman," which is thus claimed for him by the friendship of Lord Eldon. He did indeed possess many efficient talents and high faculties, and particularly and eminently, one which is now duly esteemed among a statesman's most essential endowments, — the firmness necessary to check the march of self-entitled Liberalism with its train of noisy, lawless camp-followers. But in politics, the values of certain qualities vary with the times; and in Mr. Perceval's day, when the best-informed classes of society, who now feel it needful to make a stand against progressive movement, were favourable at least to such an amount of change as might adjust the old institutions of the country to its modern exigencies, the unyielding resolution of the Minister found but little sympathy among persons not immediately connected with his party. So far from being accounted to him for a virtue, it was set down as his chief defect. With somewhat more of justice, he was reputed to be deficient in extent and comprehensiveness of view. The course of his earlier life had not left him sufficient leisure for studying the general philosophy of politics, and the safe limits of the antagonist forces which mingle in the constitution of a free community.

Belonging by birth and connection to a party whose great maxim was to keep things as they were, he had taken it for granted that their prescriptive opinions must be right. Of those opinions he was suddenly called from his profession to become the Ministerial Champion; and whatever tended to shake or even qualify them, he regarded as prejudicial to the Monarchy and to the Church, to both of which he was sincerely attached. He, therefore, with the dauntless courage of his nature, directed the whole force of a strong and ready, though near-sighted mind, against innovation in general, without sufficiently distinguishing in favour of demonstrated improvement. But his opposition, however zealous, was generous and frank; and though, from the want of early training for that kind of conflict, he was under some disadvantage in his first struggles with the practised politicians of the Whig Opposition, yet he took up and employed with so much quickness, judgment, and spirit, the materials furnished to him by his colleagues and subalterns, that, possessing also the gift of a correct and perspicuous style, he soon became, by the confession of all parties, one of the most powerful debaters of his time. He had personal qualities, too, which contributed materially to his acceptation in debate. His domestic virtues, his fidelity to his friends, his ardent and almost flagrant zeal, his sincerity, his disinterestedness, his unaffected piety, his extensive benevolence and charity, all told upon his parliamentary position, and fortified him as a Minister, by the regard which they won for him as a man. No kindlier tribute was ever bestowed upon the memory of a rival, than the graceful allusion to

his death in Mr. Canning's celebrated speech of the 22nd of the following June, on the Roman Catholic question: —

When I first gave notice of this motion (early in the month of May), I expected that my most formidable antagonist upon it would be my late lamented friend; and I should have argued the question with him, in no other spirit and with no other feelings, than

"If a brother should a brother dare"

to the proof and exercise of arms. I know not who is to buckle on his armour against me this day. Would to God that he were here to wield his weapons with his own hand — that the cause had the advantage of his abilities, so we had the benefit of his presence, —

"Tuque tuis armis, nos te poteremur, Achille!"

CHAPTER XXXIV.

1812.

RECONSTRUCTION OF MINISTRY: MINUTES OF CABINET: UNSUCCESSFUL NEGOTIATIONS WITH LORD WELLESLEY AND MR. CANNING: ADDRESS OF THE HOUSE OF COMMONS FOR AN EFFICIENT ADMINISTRATION: UNSUCCESSFUL NEGOTIATIONS, OF LORD WELLESLEY, AND OF LORD MOIRA, WITH LORDS GREY AND GRENVILLE: RE-ESTABLISHMENT OF THE PRE-EXISTING CABINET, UNDER LORD LIVERPOOL. — STRICTURES OF SIR S. ROMILLY ON THE NEGOTIATIONS. — CATHOLIC QUESTION: SPEECH OF LORD ELDON.—ARREARS OF JUDICIAL BUSINESS.—LETTERS, FROM THE QUEEN TO LORD ELDON, AND FROM LORD ELDON TO DR. SWIRE.—DISSOLUTION OF PARLIAMENT, AND GROUNDS OF IT: LETTER FROM LORD LIVERPOOL.—FIRE AT ENCOMBE: LETTERS OF LORD ELDON TO SIR WILLIAM SCOTT.

THE Prince Regent, thus deprived of his principal adviser, had now to repair or reconstruct his Government. How the first steps were taken for this purpose will be seen from the following extracts of memoranda found among the Chancellor's papers. They are chiefly in his own handwriting.

The Chancellor, understanding himself to be authorised by the Prince Regent, to learn the sentiments of the Cabinet, whether they would consider it to be their duty, if called upon by his Royal Highness, to carry on the administration of the Government under any member of the present Cabinet whom his Royal Highness might think proper to select as the head of it, requests that the Cabinet will be pleased to express their sentiments upon this point, that he may be enabled to lay them before his Royal Highness.

Answer. — The Cabinet would feel it to be their duty, if

called upon by the Prince Regent, to carry on the administration of the Government under any member of the present Cabinet whom his Royal Highness might think proper to select as the head of it. They consider it to be at the same time incumbent upon them most humbly to submit to his Royal Highness, that, under all the present circumstances of the country, the result of their endeavour to carry on the Government must in their judgment be very doubtful. It does not, however, appear to them to be hopeless, if the Administration is known to possess the entire confidence of the Prince Regent.

Then follow these rough notes of the opinions given by different members of the Cabinet respecting the materials out of which the Ministry was to be reconstructed: —

Are you of opinion that, G. and G. out (Grey and Grenville) and W. and C. out (Wellesley and Canning), you can carry on the Government?

Mulgrave. — No.

Lord Sid. — Doubtful.

Harrowby. — Not.

Bathurst. — Dangerous to P. (Prince) and country.

Bucking. — Doubtful.

Westmoreland. — Yes.

Camden. — Very doubtful, not desperate.

Melville. — Very improbable.

Liverpool. — Doubtful, not desperate.

Castlereagh. — Doubtful, to say the least, without a proposition.*

Ryder. — Extremely difficult.

Eldon. — It might.

1. Nobody, with Lord W. (Wellesley) *at the head.*

2. If the P. puts *at the head* any member of the *present* Administration will the rest support him?

Yes.

If that member thinks of talking with W. and C., will you allow him to do so?

* A proposition for junction.

Those of the answers to this last question, which can be decyphered, are very various; some "ay," some "no;" one for "leaving it to the individual;" Lord Castlereagh's answer is,

"Decline being an obstacle, but reserve my own determination."

There seems, however, to have been a general concurrence in the opinion (which, on the first question, was given by Lord Castlereagh,) that at all events the existing Ministers would have less chance of public support for a government of their own, if office should not previously have been offered either to Lords Grey and Grenville or to Lord Wellesley and Mr. Canning. A negotiation was presently opened with the two latter by the Earl of Liverpool, which forms a subject of speculation in the following letter.

"Dearest Brother, (Not dated; probably May 18th, 1812.)

"The funeral*, attendance on the Prince, and Cabinet, on Saturday, employed me till several hours after the post hour. I should have lamented this the more, if I had had anything to communicate. Nothing is in any degree settled. The particulars of what has been passing I cannot commit to paper. If I am a political coward, as I may very justly be thought, it is, as it appears to me, a very melancholy truth, that I can find nobody among those whom Perceval has left, with respect to whom, upon comparison, I have not a most extraordinary degree of political fortitude.

"In general, I believe I may say, that attempts are making, with the concurrence of all, to bring Wellesley and Canning into office. If they come, Liverpool will be at the head of the Administration, and Castlereagh to be, among the House of Commons' members of Administration, at the head of them. Most think that W. and C. will not come upon those terms — they will be accepted upon no other. My opinion is, that

* Of Mr. Perceval.

both are so sick of being out, that they *will* come upon such terms. If they don't, we shall try what we can do without them. Upon this there are three opinions, two among *us:* that is, *I* think that *that* may and *will go on* — all the rest think that it must be tried, but that it *cannot go on,* and that things will fall into the hands of G. and G. nearly forthwith. A third opinion comes from gentlemen in the H. of Commons, who think it will go on — and who are not inclined to support at all, if W. and C. *do* come in. Upon this last opinion, however, it is too late to act, if they bite. Lord Sid. has behaved very well, certainly; so has the Regent.

"I'll write to-morrow — perhaps again to-day, if any further material occurs. Ever yours affectionately,

"ELDON."

Lord Eldon was mistaken, however, in his judgment of Mr. Canning and Lord Wellesley, who both declined to join any government that should proceed on the principle of resistance to all consideration of the Roman Catholic claims. Lord Wellesley's answer to Lord Liverpool, dated May 18, concluded with these suggestions, — "that a Cabinet might be formed, on "an intermediary principle respecting the Roman "Catholic claims, exempt from the dangers of instant "unqualified concession, and from those of inconsi- "derate peremptory exclusion," — and that "the "entire resources of the empire might be applied to "the great objects of the war."

On the failure of this negotiation, of which the terms were at that time regarded as inadmissible, the Regent appears to have thought that his safest course would be to continue his old Ministry, without further attempt at any material change in its composition. But this view was disturbed on the 21st of May, by an address which Mr. Stuart Wortley, the present Lord Wharncliffe, moved in the House of

Commons, and carried, though by a majority of only four, praying the Prince Regent to take measures for forming a strong and efficient Administration. The Regent's answer to this address was, that he would take it into his serious and immediate consideration. He forthwith commanded Lord Wellesley to attempt the formation of a government; who, thus empowered, requested of Mr. Canning to inquire from Lord Liverpool, whether the existing Ministers, or any of them, would entertain a proposal for entering into arrangements with him. They all declined the proposal of an Administration to be formed by Lord Wellesley, that is, of which Lord Wellesley should be the head; and on the 23rd a negotiation was opened by him with the Lords Grey and Grenville. This also failed; but in one of the papers connected with it (an enclosure, dated 28th May, and signed by Lord Wellesley and Mr. Canning), there occurs a passage which, to this day, remains important, as a declaration of those eminent statesmen against any extension of the Pro-Catholic principle to the injury or discouragement of the Protestants.

"A conciliatory adjustment of the claims of the Irish "Catholics is the object, which Lord Wellesley and Mr. "Canning have equally at heart; and it enters equally into "both their views, that, to be conciliatory, *that* adjustment "must be so framed, as to embrace the interests and opinions "of the English Catholics also, *and to obtain the enlightened* "*and deliberate consent of the Protestants of both countries.* "THEY WOULD THINK ANY ADJUSTMENT VERY IMPER- "FECT, WHICH, INSTEAD OF EXTINGUISHING DISCONTENT, "ONLY TRANSFERRED IT FROM THE CATHOLIC TO THE "PROTESTANT."

A commission was now given to Lord Moira, to

consult directly with the Lords Grey and Grenville on the composition of a new Ministry, of which Lord Wellesley should be a principal member, but not the actual constructor, and which should include men of all parties. The following is Lord Eldon's note of this project:—

Memorandum of Proposition.

That Lord Wellesley should be First Lord of the Treasury, and Lords Moira and Erskine, and Mr. Canning, should be of the Cabinet.

That, if the Cabinet was twelve, Lords Grenville and Grey should name four; if thirteen, they might name five.

That the rest should be named by Lord Wellesley, either out of the Prince's present servants, — N. B. they had all refused to act with Lord Wellesley *forming* the Administration, — or any other persons whomsoever.

Lord Wellesley to name to all offices. The basis, the consideration of the Catholic claims, and the vigorous prosecution of the war in Spain.

This attempt was equally unsuccessful with the two former. It went off upon a difference between Lord Moira and the Whig leaders, as to the liberty of changing the appointments to the great offices of the Household—a liberty which Lord Moira thought "on public grounds peculiarly objectionable," but which the Whig leaders deemed indispensable, for the purpose "of giving to a new government that cha- "racter of efficiency and stability, and *those marks of* "*the constitutional support of the Crown*, which were "required to enable it to act usefully for the public "service."

Every effort having thus been made in vain, the Prince Regent had now no resource but to fall back upon his existing Cabinet; whom he therefore retained, with only the little of addition and modification

which the loss of his First Minister had rendered necessary. Before Mr. Perceval's death, Lord Sidmouth had become President of the Council in the place of Lord Camden, who continued in the Cabinet without political office; and Lord Buckinghamshire and the present Lord Melville had entered the Cabinet,—the former as President of the India Board, in the room of the latter, who had succeeded Mr. Yorke as the head of the Admiralty. After the death of Mr. Perceval, Lord Liverpool, from being Secretary for War and Colonies, became First Lord of the Treasury, with Mr. Vansittart, afterwards Lord Bexley, for his Chancellor of the Exchequer; and Lord Harrowby was made President of the Council in the room of Lord Sidmouth, who succeeded Mr. Ryder as Secretary of State for the Home Department; Lord Bathurst, from being President of the Board of Trade, became Secretary for War and Colonies, and Sir Robert, then Mr. Peel, Secretary for Ireland: Lord Eldon continued to be Chancellor, Lord Westmoreland to be Lord Privy Seal, Lord Mulgrave to be Master-General of the Ordnance, and Lord Castlereagh to be Secretary for Foreign Affairs, taking also the lead of the Government in the House of Commons.

This was the composition into which, after all the struggles both of Whigs and neutrals for extensive change, the Cabinet finally settled down; and in this state, though it was then supposed incapable of weathering even the current session, it subsisted, till the death of Lord Liverpool, fifteen years afterwards, without any material change of policy except the recognition of the Roman Catholic question as an open

one, and without any important additions of individual strength,—except the return of Mr. Canning to office in 1816,—and the entrance into the Cabinet of the Duke of Wellington as Master-General of the Ordnance in 1818, and of Sir Robert Peel, as Secretary for the Home Department in 1822.

Sir Samuel Romilly, a harsh exponent of the motives of his political antagonists, has thus questioned in his Diary the good faith of the Prince and his advisers, particularly the Lord Chancellor, in the arrangements of 1812.

"June 11.—The whole of the negotiations for a new Ministry have been conducted, unquestionably, with a previous determination on the part of the Prince and of those who enjoy his confidence, that they should not end in Lord Grey and Lord Grenville, and their friends being in power. The Lord Chancellor has never, from the moment of the address of the House of Commons being carried, shown the least symptom of apprehension that he was to resign his office. During these three weeks that the Ministers have been represented by themselves as holding their offices only till their successors should be named, he has given judgment in none of the numerous causes, petitions, and motions, which have been long waiting his decision; though there never before was an instance of a Chancellor about to resign the Great Seal, who did not hasten to clear away all the arrears of his Court. Instead of this, Lord Eldon has been every day closeted with the Duke of Cumberland; and, during several days in the term, the Court has been entirely shut up, while his Lordship was employed in some way never known to the suitors of his Court, or to the public. We have even had the Duke of Cumberland coming down to Westminster Hall, and sending for the Chancellor out of Court. The whole matter has ended pretty much as I expected. It might have been much worse, if Lords Grey and Grenville had not been deterred from taking office by the obstacles which were purposely

thrown in their way. They would have been suffered to remain in the Ministry but a very short time; some pretext would have been anxiously watched for, and eagerly seized, to turn them out with the loss of character; or a new cry against Popery would have been raised, and they would probably have been the victims of it."*

The imputation which begins the foregoing paragraph seems wholly gratuitous. The House of Commons having intimated a wish for the reconstruction of the Ministry, and the Whigs being the only remaining party through whose aid such a reconstruction could be effected, the Prince made an offer to their leaders. He may have had little hope, nay, little wish, that the offer should be accepted; but if he gave them a fair option to accept or decline it, neither he nor his advisers can justly be charged with "a previous determination that the negotiations "should not end in Lord Grey and Lord Grenville "and their friends being in power." Those negotiations, repeatedly renewed by the Prince, were finally broken off by the Whig leaders themselves, upon the question of the Household appointments. Let it be assumed, for the argument, that the Lords Grey and Grenville were well entitled to insist upon the reconstruction of the Household, — still there is nothing in the Prince's conduct respecting that point which indicates a predetermination to strangle the treaty. However fairly and naturally the Whig noblemen may be deemed to have acted in pressing their view of the subject, the Prince and his advisers may surely claim credit for having as fairly and as naturally adhered to their own. Each party may

* Memoirs of Romilly's Life, vol. iii. pp. 42, 43.

have honestly considered itself in the right. Lord Moira had signified to Lords Grey and Grenville, as was declared on the 11th of June by Mr. Stuart Wortley, the mover of the address for a strong Administration, "that all the great and leading questions of policy would be laid at their feet, to be managed at their will." Lord Moira's minute of their conversation with him on the 6th June 1812 records, that satisfactory explanations had taken place respecting such measures as appeared to be of the greatest urgency, more especially the Roman Catholic and the American questions: that "Lord Moira had received this commission without any restriction or limitation whatever being laid by the Prince on their considering any points which they judged useful for his service:" and that Lords Grey and Grenville "expressed their satisfaction with the fairness of this proposal, and their readiness to enter into such discussion as must precede the details of any new arrangement." Then came their demand for the reconstruction of the Household, — a demand, said the Whig noblemen, which arose only "from the necessity of giving to a new government that character of efficiency and stability, and those marks of the constitutional support of the Crown, which were required to enable it to act usefully for the public service." Lord Moira, in the same conference, informed them, "that the Prince had laid no restriction upon them in that respect, and *had never pointed in the most distant manner at the protection of those officers from removal:* that it would be impossible for him, Lord Moira, however, to concur in making the exercise of this power *posi-*

" *tive and indispensable in the formation of an adminis-*
" *tration*, because he should deem it, on public grounds,
" peculiarly objectionable." A decided difference of opinion as to this point, says Lord Moira, having been expressed on both sides, " the conversation ended here " with mutual declarations of regret." *

In such a state of facts, it seems not very easy to conjecture on what ground Sir Samuel Romilly can have thought himself warranted to impute, that the negotiation had " been conducted unquestionably with " a *previous determination on the part of the Prince*, " *and of those who enjoyed his confidence*, that they " should not end in Lord Grey and Lord Grenville " and their friends being in power."

Sir Samuel Romilly's imputation is still further rebutted, by another circumstance which must have come to his knowledge within a few hours after he wrote the strictures above quoted, though it has not led him to expunge or qualify them. On the 11th of June, the very day on which this entry in his Diary is dated, Lord Yarmouth, afterwards Marquis of Hertford, who held the office of Vice-Chamberlain, and was known to be especially in the confidence of the Prince Regent, acquainted the House of Commons that he, and the officers of the Household in general, had formed and declared their intention to resign their situations as soon as it should be settled that the Lords Grey and Grenville were to take the seals of office; the wish of the Household officers being, as they had expressly stated *to his Royal Highness* and in various other quarters, that they might have the opportunity of retiring voluntarily,

* 23 Hans. Parl. Deb. App. xli.

instead of being turned out by the new Administration. Lord Yarmouth added, that he had, himself, communicated this intention to Mr. Sheridan, with a view to its reaching the Lords Grey and Grenville. Mr. Sheridan, it appears, did not communicate it, as he had been expected to do; and he has been severely censured for that omission by his biographer, Mr. Moore; but the fact of his having been thus apprized of the intention by the most confidential of the Prince's friends, and for the very purpose of conveying it to the Whig leaders, is a tolerably strong presumption, that, at all events, the Court party had no plot for making the Household a stumbling-block in the negotiation; and that, as far as the Prince Regent and his counsellors were concerned, it was open to the Whig leaders to take quiet possession of the Government.

Little time was suffered to elapse, before the subject of the Roman Catholic claims was pressed again on the attention of the House of Lords, in a motion made on the 1st of July by the Marquis Wellesley, for taking into consideration, early in the then next Session, the state of the laws affecting the Roman Catholics, with a view to such an adjustment as might "be conducive to the peace and strength "of the United Kingdom, to the stability of the "Protestant establishment, and to the general satis-"faction and concord of all classes of his Majesty's "subjects."

The Lord Chancellor was among the Peers who spoke in opposition to this resolution.

He declared that no wish was nearer to his heart, than to be convinced that he was wrong. The Noble Marquis (said

he) has justly stated that there can be no difference of opinion as to the desirable nature of the objects which the resolution professes to accomplish. Oh that they *could* be accomplished! Oh that your Lordships *could* come to some determination on them, "to the general satisfaction of all classes of his Majesty's subjects!"

After urging a variety of topics, which, referring chiefly to temporary circumstances, have now lost much of their interest, Lord Eldon proceeded thus:—The Noble Marquis has asked us to show him the danger.. But are we, in this Protestant country, to be put to show the danger of subverting the Protestant Establishment? Everywhere in our Statute Books, you will find the security of the Protestant religion provided for, not merely with reference to religion; not because we quarrel with the religion of the Catholics; but because their religious opinions operate on their political principles in such a way as to render it necessary to adopt some defence against them. It has been said that the regulations, of which the Catholics now complain, were called for only by a particular and temporary occasion; but the ancestor of a Noble Lord emphatically cautioned his countrymen, that if they permitted their religious establishment to be broken in upon, the effect would be injurious to their civil rights. That was the general principle upon which our ancestors proceeded. It is urged, that Catholics regard their oaths. I am not denying that they do so; but there is no oath which would meet the case, or afford an adequate security. As to the distinction drawn in their favour between spiritual and temporal jurisdiction, it is a distinction in itself obscure, and liable to great confusion; and one thing we may depend upon in looking at this subject, that a great deal of that which we should call temporal, they would call spiritual power. The authority of Blackstone, which is quoted so frequently in favour of unqualified concession, would, if quoted impartially, go, indeed, to a modification of the provisions against the Roman Catholics; but, so long as they acknowledged a foreign sovereign, on spiritual or on temporal matters, it would go no further than to a modification. We have proceeded, from month to month, and from day to day, in concessions, consistent with the spirit

of our constitution, and guarded by that cautious policy which ought to regulate such proceedings. If the present motion be carried—I mean not merely consideration, but, if concession be carried,—the Noble Marquis and I may shake hands; but, as I hope for God's mercy, I do not think I shall be living under the same constitution as hitherto. Feeling the weight of all these objections strongly pressing on my mind, it is my intention to conclude with a motion, upon which I would divide the House, even if I were to stand alone. The Noble Marquis and myself agreed, on a former occasion, that, under the circumstances then existing, we could not vote for concession; and now, under similar circumstances, I cannot vote for the Noble Marquis's motion. I conclude by moving the previous question.

At a later period of the debate, in reference to some strictures of Lord Holland,

The Lord Chancellor explained his reason for moving the previous question, rather than voting a direct negative, to be, that he did not wish at once and for ever to shut the door of conciliation against the Roman Catholics, though he was anxious, at the same time, not to disguise from their body his own objections, on constitutional grounds, to their claims.

Though Lord Eldon had resisted the crude changes proposed in the House of Commons by way of remedy for the arrear of legal business, yet (as he had proved in the preceding year by the appointment of a committee for the examination of the subject) he was by no means insensible to the growing magnitude of the mischief, especially in the House of Lords, where the appeals had accumulated to a point which made it indispensable that some assistance should be supplied for the disposal of them. In order, therefore, that he might be enabled to bestow a greater portion of his time upon these appeals, he gave his support to a bill, founded on the labours of the Lords'

Committee and introduced by his friend Lord Redesdale, for constituting a Vice-Chancellor who might relieve the holder of the Great Seal from a portion of the business of the Court of Chancery. On the 13th of July, when Lord Redesdale moved the consideration of the report of this bill,

Lord Eldon expressed his conviction, that when he should be dead and gone, the subjects of this country would feel the salutary and satisfactory operation of a measure, which tended to the speedy decision of their appeals to that House and of their suits in the Court of Chancery. After allusion to some of the details of Chancery practice in illustration of the existing necessity, he reminded the House that the visible occupations of the Chancellor were not the only matter to be here regarded. A Chancellor must give his days and his nights to the consideration of his duties. He must pursue them even in the retirement of his house and in the privacy of his closet, if he meant to do justice. And it was to be recollected, that a conscientious attention to the cases of those capital malefactors, whose fate was to be decided by the Crown with reference to a merciful administration of justice, not a little enhanced the anxious labours of his office.

The Report was agreed to; but the year was now too far advanced to allow the passing of the bill in that Session; and on the 30th of July the Parliament was prorogued by Commission, in a speech delivered by the Lord Chancellor on the Prince Regent's behalf.

The gayest event of the summer seems to have been that which is indicated in the following invitation:—

Queen Charlotte to Lord Eldon.

"Windsor, August 10th, 1812.

"What will the Lord Chancellor say, when a lady's note intrudes itself into his learned Court? and yet the writer of it can assure him, that the case proposed will not be of a

difficult decision. The question is neither more nor less, than whether he will lay aside, for half a day, the more serious business of right and wrong, for a party in honour of the Prince Regent's birthday, at Frogmore, for which the Queen invites him on Wednesday the 12th at 5 o'clock, where he will meet all the members of the Royal Family that can be assembled, and be, if not learnedly employed, at least legally in the lawful occupation of dining. CHARLOTTE."

Lord Eldon to Dr. Swire.

"My dear Swire, "Encombe, Sept. 22nd, 1812.

"It is long, certainly very long, since I have written to you: my warmest and most affectionate regards nevertheless have ever attended you, and I can only assure you that my attention has been utterly distracted, by the events of a year, which, in their extraordinary nature so far as they respect myself, have surpassed all the extraordinary circumstances which even my chequered life has produced. I had no doubt that I should have had the happiness to have seen Melsonby this season, save what depended upon the fact that existence itself is not certain; for though, this place having a residence and Eldon not having any, this must have been my residence, yet I had determined that no year should pass without my seeing Eldon, at least as long as God should please to permit us both to live. I could not doubt that at the close of the Regency year, the 18th February, I should have had my dismissal: so sure was I of that, that when the Prince sent for me on the 17th, his commands reached me sitting for my picture *in my robes.* When I went he expressed his surprise that I appeared in a morning in a laced shirt: I told him what I had been about: he then expressed surprise that I could find any time for such a business: my answer was that the fact proved that that was difficult; that the picture had been asked nearly two years for the Guildhall at Newcastle, and that, my countrymen wishing it should be in the Chancellor's robes, I could not delay beyond that day in which I might for the last time be entitled to wear them. He smiled, and next day satisfied me that I needed not to have been in such a hurry. This was curious enough, but is literally a

fact. N. B. The picture is said to be an extremely good one, and, as it is engraving, I'll send you one of the best prints of it. Well, after this, poor Perceval was assassinated. By the way, I had a pretty narrow escape. It is said,

'Mors sola fatetur.
Quantula sint hominum corpuscula;'

but I have learnt facts of poor Perceval's life, which I never should have learnt but in consequence of his death, and which prove him to have been a most extraordinarily excellent person. Here again, however, I thought I should sing, 'Nunc dimittis.' I appointed and attended a Recorder's report, which I thought it unmanly to leave to a successor, on a Monday, as I was morally certain that I should not be Chancellor on the usual day, the Wednesday. But whether Grenville and Grey did not wish to be Ministers, or whether they would not be Ministers unless they could bind kings in chains, I don't know. The Tuesday put my wig and gown once more fast upon my head and back, and I am now just as uncertain when I shall see the blessings of final retirement as I was before the King's illness. What a life of anxiety (about myself certainly in no degree such) I led during these scenes, must be reserved, if it is to be described, till some happy hour of conversation between us shall be vouchsafed me by Providence. I concluded my stay in town by the Prince Regent's dining in Bedford Square with a man whom he had hated more than any other in his father's dominions, according to his unreserved confession.

"As to the proceedings of the Session, it is to me abundantly clear, that unless the country will express its sentiments on the Roman Catholic claims, (if it has any sentiments respecting them, which I doubt), and that tolerably strongly, between Dissenters, Methodists, and Papists, the Church is gone. I fought the battle again this winter, and I shall fight it whilst I have stumps to stand upon; but I cannot fight it, successfully, alone, with a country sunk in apathy.

"And now, dear Sam, I come to a close. Retained in office, with no wish to remain in it, I am praying for some fair opportunity, some honourable reason, for quitting. I grow old; business increases; my ability to discharge it does

not improve. These, so help me God, are the reflections which have occupied my anxious thoughts during the last winter, and yet, in this malignant world, whilst the Regent knows my wishes perfectly, I am supposed to be clinging to office, and intriguing for others, who are anxious for it, God forgive them! My Bessy, both my Bessys, send love to you and your Bessy, and

"I am ever affectionately yours, ELDON."

The Annual Register of this year records the general surprise, with which the country received the proclamation of the 29th of September, for the dissolution of Parliament,—a step for which the writer observes that, as no public reason had been given, conjecture was left to imagine the most probable. What the real motives were, the following letter from Lord Liverpool to the Chancellor distinctly discloses:—

"My dear Lord, (Extract.) "Fife House, Sept. 18th, 1812.

"I am sorry to be under the necessity of disturbing you; but it has been determined that Parliament shall be dissolved. Indeed, considering the success of our military operations, the abundance of the harvest in every part of the United Kingdom, the increasing tranquillity of the disturbed districts in this country, and the profound quiet in every part of Ireland, we should hardly be justified in not availing ourselves of all these favourable circumstances, by adjourning the dissolution to some future period, when, from causes unavoidable, such a measure might be not only inconvenient, but even hazardous. If the event is to take place, it is, of course, desirable that it should not, at this season of the year, be delayed; and the Prince proposes, therefore, to hold a Council for the purpose, on Monday the 28th instant, or Tuesday the 29th, as may best suit your convenience."

The succeeding extract is from a letter of Lord Eldon to Sir William Scott, which was probably written about the end of September 1812, shortly after a fire at Encombe, by which a wing of the house was burnt on the night between the 18th and 19th of that month.

"We are *tranquillized,* as to the effects of our accident on our spirits. It will detain me here some few days longer than I intended, to order repairs, &c.; but our escape has been marvellous, and the mischief actually done is in no sense considerable. If it had happened an hour sooner, — or if we had not had, belonging to the house, a fire-engine, — or if the fire had reached some wood-work within a foot of the place to which it reached, and which it would infallibly have done, if I had not had the presence of mind to direct the forcible destruction of the connection between the house and the small wing, — the whole house must have been utterly destroyed."

Toward the close of his life, when his niece, Mrs. Forster, was on a visit to him at Encombe, he said to her:—"We had a fire here once, in the wing, which destroyed two bedrooms. It really was a very pretty sight; for all the maids turned out of their beds, and they formed a line from the water to the fire-engine, handing the buckets; they looked very pretty, all in their shifts. My first care was the Great Seal; so by way of securing it during the confusion, I buried it. The next morning when I came to reflect, I could not remember the spot where I had put it: you never saw anything so ridiculous, as seeing the whole family down that walk, probing and digging till we found it."

The soreness with which Lord Eldon felt the neglect of the Government in leaving him undefended upon the question of his judicial arrear, will be perceived from the following extracts of a letter to Sir W. Scott, written during the general election.

Lord Eldon to Sir W. Scott. — (Extract.)

(Post-mark, Oct. 9th, 1812.)

"Dear Brother, "Friday.

"I return you the enclosed according to your request, which I received last night as I was writhing up stairs in the gout,

about seven o'clock, to bed. Really, as to the Government, I don't care one farthing about it. I am mistaken if they do not mainly owe their existence, as such, to me; and yet I have been, in my judicial capacity, the object of the House of Commons' persecution for two years, without a lawyer there to say a word of truth for me; and though I have pressed, for years past, the importance of being supported there by some individuals in my own department of the profession, not the slightest notice of this has been taken in their arrangements; I have been left unprotected as before,—and, so unprotected, I cannot and will not remain.

"The Prince vows annihilation to the Government if I go; and I suppose would resort to Canning and Wellesley. But I cannot feel the obligation I am under of being hunted in the House of Commons without more of protection than I have had—of bearing that the business of the Court of Chancery should be tumbled out at the end of the session, as it was, without communication with me. I am concluding a vacation of uneasiness by struggling with pain.

"Yours,

"ELDON."

CHAPTER XXXV.

1812, 1813.

NEW PARLIAMENT.—ADDRESS RESPECTING DISPUTES WITH UNITED STATES: LORD ELDON'S SPEECH. — ATTEMPT OF PRINCESS OF WALES TO OPEN CORRESPONDENCE WITH PRINCE REGENT. — LETTER OF LORD ELDON TO SIR WILLIAM SCOTT. — ACTION AGAINST SIR WILLIAM SCOTT BY BEAURAIN: ADVICE OF LORD ELLENBOROUGH AND OF LORD ELDON AGAINST PAYMENT OF MONEY TO AVERT ATTACKS ON CHARACTER. — TRIAL OF LORD SLIGO'S CASE BEFORE SIR WILLIAM SCOTT: MARRIAGE OF SIR WILLIAM SCOTT WITH DOWAGER LADY SLIGO: ITS CIRCUMSTANCES: ANECDOTE. — VICE CHANCELLOR'S BILL DEBATED AND PASSED: APPOINTMENT OF SIR T. PLUMER: STRICTURES OF SIR S. ROMILLY, AND CLAIMS OF MR. RICHARDS.—LETTER FROM LORD ELDON ON THE EDUCATION OF HIS GRANDSON. — PARTIAL RELIEF BILL TO ROMAN CATHOLICS. — LETTER OF LORD ELDON TO DR. SWIRE.

THE first Session of the new Parliament, which contained a large majority of members generally favourable to the views of the Administration, was opened on the 30th of November with a speech from the Prince Regent in person.—An address was moved on the 18th of February by Lord Bathurst, engaging the House of Lords to the support of the Crown, in the war declared against England by the United States. In the course of his speech,

Lord Bathurst exposed the claim which the Americans had set up, that any subject of any state who should possess himself of letters of naturalisation or a certificate of citizenship from the American authorities, should be exempt from the reclamation of the country to which he owed his natural

allegiance. This was in truth to claim the power of cancelling the allegiance of the subjects of other states; and on this principle the Americans had required, as a preliminary to any negotiation, that Great Britain should suspend her right of impressing British seamen found on board American vessels.

The Chancellor said, that the right of the British nation, the surrender of which, at least for a time, had been made the *sine quâ non* of negotiation by the American Government, was necessary to the very existence of this country, and especially at that moment. If the claim of naturalisation by a residence of five years were allowed to America, why not to all other countries? If a residence of five years established the right, why should not a residence of one month? It would thus be easy, by the offer of impunity and by the temptation of greater pay, to seduce our seamen into the service of foreign states. Unless America should think proper to alter her tone, he did not see how the national differences could be settled: surely never, if the condition of conciliation was to be the concession of that claim which was the life of our navy, and, through that, the life and protection of the country. As an adviser of the Crown, he would never consent to an armistice on the condition of appearing to hesitate about a right so vitally affecting the nation that her ruin might ensue in a month from its concession.

As the Princess Charlotte advanced towards riper years, it was thought fit by the Prince Regent to impose additional restrictions on her intercourse with her mother, the Princess of Wales: who, galled by this limitation, and by a sense of former ill-usage, attempted a remonstrance in a letter to the Prince Regent. Her letter, according to a statement made by Mr. Whitbread, in the House of Commons, on the 5th of March, was thrice returned unopened. This however appears to have been the result, not of any design to exclude her from a hearing, but merely of the Prince's unmitigated repugnance to any thing

like personal correspondence with her. The following letter, addressed to her Royal Highness by Lord Liverpool, on his own and the Chancellor's behalf, sets this matter in a clear light: —

"Lord Liverpool begs leave to inform her Royal Highness the Princess of Wales, that he communicated to the Lord Chancellor, according to her Royal Highness's desire, the letter which he received from the Princess on Sunday night. He has likewise thought it his duty to lay that letter before his Royal Highness the Prince Regent.

"The Lord Chancellor and Lord Liverpool have never declined to be the channel of any communications which the Princess of Wales might be pleased to inform them that her Royal Highness was desirous of making to the Prince Regent through his confidential servants; and they would have been ready to have submitted to his Royal Highness any points in the copy of the letter transmitted by the Princess to Lord Liverpool, which it might have been their duty to have brought under his Royal Highness's consideration, if the Princess had signified to them her intention that the communication to his Royal Highness should have been made in this manner. But it must be for the Prince Regent himself to determine, whether he will receive, in the manner proposed, any direct communication by letter from the Princess of Wales, or enter into any correspondence with her Royal Highness.

"The Prince Regent has commanded Lord Liverpool to state, that he adheres to the resolution which he has already expressed in this respect, and he has directed Lord Liverpool, therefore, to return her Royal Highness's letter."

"Fife House, Jan. 19th, 1813."

The affair was taken up as a party matter by the opponents of the Government, and stirred among the Livery of London and other popular bodies; but the interest excited by it gradually died away, and the differences of the Royal personages were for a time

forgotten by the public. Meanwhile the manly conduct of Lord Eldon, in refusing all compliances which he thought inconsistent with his duty, appeared to be endangering him with the Regent. The following letter, which appears to have been written about this time, exhibits in a strong point of view the annoyances and perplexities of that season: —

Lord Eldon to Sir William Scott. —(Extract.)

"Dear Brother, (Not dated: probably 1813.)

"It is absolutely impossible, and I am very sorry for it, that I can avail myself of this occasion to do what you wish. Some one of my own *secretaries* must have the Cursitorship — they have a *right to it* — the Commissionerships are pledged ten deep, and, as to the private secretaryship, that I must dispose of without reference to any body but myself, if I am to continue Chancellor. I doubt whether I am: the Prince having applied for all, and I having refused him all. As to the private secretaryship, it distresses me so much that it is vacant, that I sincerely wish to put an end to my own office. Excuse the haste which I write with from the Bench, and excuse any thing improper, for I mean nothing to be so; but my soul is heavy.

"I am too low, and too ill, to mix with the world, and I therefore absented myself yesterday, and shall do so to-day.

"The P. has been treating me with so much unkindness, because I won't do as to his wife and daughter as he wishes — in a way, — that one more such interview as I have had, if it occurs, will save me the trouble of appointing to the secretaryship, or any thing else, where the officer goes out of office with the Chancellor. Yours,

"ELDON."

When the one irritating subject was absent from the Regent's mind, his behaviour to the Chancellor was thoroughly cordial; and he would then address him in such notes as that which next follows: —

"C. H. ½ pt. 7 P. M.

"My dear Friend, "Feb. 10th, 1813.

"Pray give me a call in your way home, when your Cabinet breaks up, as an idea has struck me which I wish to talk over with you for five minutes, in order that you may turn it over in your mind before to-morrow morning. Just send me a line, to mention about what hour I may be likely to see you, in order that I may be in the way and not keep you waiting. Ever sincerely yours,

"GEORGE P. R."

A cause was tried in the Court of King's Bench on Saturday the 6th of March, in which an attorney, named Beaurain, was the plaintiff, and Sir William Scott the defendant. The object of the action was to recover damages against Sir William, for having, as Judge of the Consistorial Court of the Bishop of London, excommunicated Mr. Beaurain for causes which the latter alleged to be insufficient. The excommunication had been sustained by Sir John Nicholl, on appeal to the Court of Arches; and the plaintiff's counsel in this action, Mr. James Allan Park, disclaimed all imputation of malicious motive; but Sir William Scott had given the plaintiff 150*l.*, and this was now contended to be proof that Sir William was conscious of having acted illegally. Solicitor-General Sir William Garrow, who conducted the defence, declared that the action had been a source of great pain to his client, a distinguished judge, now at an advanced period of a blameless life, assailed for a sentence which he was bound to pass, and which neither he nor Sir John Nicholl ever passed without an anxious wish to be saved from such a necessity. The money had been given from no consciousness of misconduct, but from pure benevolence to a man who was represented to Sir William as having been ruined by the effect of

the sentence; but the only fruit of the defendant's kindness had been a series of attempts at extortion. —A gentleman named Espinasse, being examined as a witness for the defence, said that he had seen the plaintiff in prison, who complained of his miserable condition, ascribed it to his excommunication, and spoke of bringing an action. The witness told him that notice should first be given to Sir W. Scott; and on the plaintiff's assenting to this, Mr. Espinasse himself called on Sir William, explained the man's wretched situation, and represented him as a fit object of pity. Sir William said the judgment was the proper one; but authorised Mr. Espinasse to communicate with the plaintiff, and promised to adopt whatever arrangement they might make; Mr. Espinasse procured for the plaintiff 150*l.* from Sir William, who said he hoped it would put an end to all applications from the man, and added that he would try to get him some small place about the Customs or in Somerset House. The plaintiff expressed himself, by letter, most grateful to Sir William, but afterwards demanded the great office of Marshal of the Admiralty; and when Mr. Espinasse scouted that pretension, observed, that he knew of a place that could be had for 2000*l.*, and that he expected Sir William would buy it for him. Upon this Mr. Espinasse indignantly broke off all communication with the plaintiff; and, Sir William Scott being resolved to resist all further demands on his purse, this action was brought.

Lord Ellenborough, the Lord Chief Justice, who tried the cause, told the jury that he did not agree with the counsel on either side as to the motive of the gift. He did not think the money had been given either from a consciousness of wrong,

or from a mere impulse of charity. No: it was an infirmity, in a great man, who was reluctant to have his character and conduct questioned, and his name bandied about in the public papers; and who, being aware how obnoxious was the mode of proceeding by way of excommunication (unfortunately the only mode of enforcing the sentences of the Ecclesiastical Court), apprehended that if, by relieving a distressed sufferer, he could put the complaint at rest, that would be a fair way to get rid of it. This action was a lesson for all men, to stand boldly forward — to stand on their characters — and not, by compromising a present difficulty, to accumulate imputations on their honour. He explained to the jury the law of the case, and told them there appeared no ground to impugn the sentence passed by the defendant.

The jury, after half an hour's deliberation, gave a verdict for the plaintiff; damages, 40*s.*; the foreman at the same time reading from a paper the following words:—"The jury beg leave to assure the Lord "Chief Justice, that by this their verdict they do not "mean to attach the slightest impeachment on the "most respectable character of Sir William Scott."

Advice, in the same spirit as that of Lord Ellenborough, was given by Lord Eldon to Sir William Scott, when consulted by him upon the best means of stopping certain libellous publications with which Sir William and his family were threatened.

Lord Eldon to Sir William Scott. — (Extract.)

"There is no jurisdiction in this country that can prevent the publication of this paper by restraint or injunction, if he chooses to publish it, nor in any other mode, if it was ever so clear that the law could punish the publication. It follows of course, therefore, as it seems to me, that there is no way of preventing publication but by inducing the forbearance of it by money. So to prevent it, or rather to attempt to prevent it, is certainly what I cannot, and I think no man can, advise. If the person who receives the money abides, in a

sense, by the bargain, and does not publish the identical paper he is bribed not to publish (and the odds are that a scoundrel *would* publish it), there can be little doubt that the obtaining of money will be an object continually pursued — publication after publication will be threatened, that it may be bought off — and if, at last, publication is defied and made, the fact that money had before been given will come out, and what nobody would have believed a word of before, will be believed by many, because money had been given.

"Did you ever see a book called * * * *, in which there is, I understand, an infamous false publication about me? Prior to that publication an effort was made to induce me to find or furnish the means of preventing that publication: I had no fancy that the publication should be made, — far from it; but I could not disguise from myself that I could only prevent the publication by money, and that so preventing it would lead to consequences which no money would be sufficient to buy off. I therefore sent my answer, viz. that I never had promoted any publication in favour of myself, and that I never would; and that I never had prevented and never would prevent any publication against myself; if the law, after publication, would not punish the thing, it might take its course. It was published — to say that I liked that it should be published would not be true — but what would have been the consequence if I had bought it off?

"In libel and caricature, how infamously have I and some of my family been treated! But there is only one way of avoiding this, and *that* no fortune can stand, even if the application of a fortune could successfully be used to ward off the attacks of these villains, or reputation be effectually preserved by the adoption of such means to preserve it.

"If so much of the paper as relates to you related to me, I should give myself not a minute's uneasiness about it. What is stated is false, grossly false, and nobody would believe it, even if it could not be, as it may be, most satisfactorily contradicted, if there could be any necessity for that."

In another letter to his brother, having no date of year or month, he writes thus: —

"I can only say for myself, pelted, abused, and calumniated as I have been, both on account of my public and private life, or rather of what has been falsely supposed about them — on account of both most unjustly and wickedly — in publications — those publications, too, producing, almost every day, private letters of abuse, and threats against character and against life itself, — I have long been of opinion, and upon that I have acted, that the best thing to be done is to take no manner of notice of such things, — to let them work their worst; and in cases in which I am conscious that what is imputed respecting me is falsely imputed, to leave the imputation to do its worst, and to draw the venom and the poison out of such publications, by applying to the wound inflicted the medicine, which consciousness and the good opinion of those, whose good opinion alone is worth having, will supply. Contradiction from myself, and contradiction from those whose friendly zeal leads them unasked, and with the kindest intentions, to contradict such calumnies, only makes matters worse, by producing re-assertion more virulent and more inflamed. My rule therefore is to let these wretches and scoundrels do their worst, and I should not trouble myself one moment, if there was to be this self-same publication about me, as false."

The discomfort which Sir William had experienced in March 1813 from the action of Mr. Beaurain was banished in a few weeks afterwards by no less interesting an event than his own second marriage. The circumstances which led to this occurrence were not such as usually terminate in matrimony. The Marquis of Sligo, then a very young man, had been tried before Sir William Scott at the Admiralty Session in December 1812, for enticing the King's seamen to desert, which he had done for the purpose of procuring the best hands to man a private vessel of his own. His mother, Louisa Catherine, widow of the preceding Marquis, had watched the legal proceedings with the utmost solicitude. This had led to some communi-

cations between her Ladyship and Sir W. Scott, in the course of which she is said to have intimated to him, that the paternal tone and manner of his admonition to the young offender from the Bench had suggested to her the reflection how happy it would be for her son if such counsel and guardianship could be continued to him through the rest of his youth. "Upon this hint," Sir William "spake;" and the 10th of April 1813 saw him wedded to the Dowager. As he was then in his 68th year, his acquaintance would sometimes make themselves merry on the subject of this match: the more, because it was suspected that the Lady was inclined to preserve, in her wedlock, a good deal of the independence of her widowhood. On the door of their house in Grafton Street, which had been her abode before the marriage, was a brass plate bearing her name, and beneath it Sir William placed another bearing his own. "Why, Sir William!" said Mr. Jekyll, who had left his cards of congratulation on the wedding, "I am sorry to see you knock under." Sir William made no answer at the time, but transposed the plates. "Now, Jekyll," said he, when next they met, "you see I no longer knock under." "No, Sir William," said the unrelenting wit, "you knock up now."

On the 1st of December 1812, Lord Redesdale had introduced into the House of Lords the bill for the appointment of a Vice-Chancellor. On the 7th, when it was about to be committed,

Lord Redesdale said, that the arrear of Appeals and Writs of Error in the House of Lords then amounted to more than 276 cases, which, according to the past rate of dispatch, would require from twelve to thirteen years for the disposal of

them — to say nothing of the new arrear which would accumulate in that interval. For the alleviation of these evils, it was proposed by this bill, that a Vice-Chancellor should be appointed who should attend to the business of the Court of Chancery, while the Lord Chancellor should sit three days a week, from ten to four, for the determination of the cases pending in the House of Lords.

Lord Holland said, he had very serious objections against the bill. He begged to be plainly understood, that he meant them not to apply to the then Lord Chancellor, of whom no one could entertain a higher opinion. He wished too that the salary of the Lord Chancellor's office should continue commensurate with its importance and utility; though he would rather see it made up from some other source than from the business of bankruptcy. But he more especially disapproved the new division of the office: the danger was, that, in future times, the Vice-Chancellor would be the only arbiter of the law, and the Lord Chancellor become a mere politician.

Lord Redesdale replied, that as every Lord Chancellor would continually be occupied with the decision of the most important and intricate questions in the House of Lords, a Minister would hardly venture to place the Great Seal in the hands of any one not fitted for its functions by great legal learning. The separation of the bankruptcy business would not be expedient; for in that department there arose more cases of consequence to the commerce of the country than in all the courts below put together. The salary of the Vice-Chancellor might properly be paid from the Suitors' Fund.

The bill went through the House of Lords, and on the 11th of February 1813 arrived at its second reading in the House of Commons, where it was warmly debated: its opponents being chiefly of that party who were wont to complain the loudest of the evil to be remedied by it. Some of them recommended, as an alternative, the separation of the bankruptcy business, and some the separation of

the speakership of the House of Lords. The only member who then propounded any other practical remedy, in substitution for the appointment of a Vice-Chancellor, was Mr. William Courtenay, now Earl of Devon. He suggested that a great permanent cause of arrear would be cut off, if the Scotch appeals were limited, like the English ones, to questions of law, four-fifths of the whole arrear of the House of Lords consisting of Scotch appeals upon questions of *fact*.

On the 15th, the bill being about to go into committee, another debate arose, when

Mr. Leach argued that the spare time of the Master of the Rolls, as his office was then contituted, would be quite sufficient to dispose of the arrear in Chancery, if he were withdrawn from the attendance on the judicial business of the Privy Council, which did not properly constitute any part of his duty.

The bill was again debated on the 22nd of February, when Sir Samuel Romilly mentioned, as a resource of which Government had taken no notice, the appointment of some other Law Lord than the Chancellor to preside on the hearing of appeals in the Upper House. That suggestion, however, induced no change in the bill.

A new discussion took place on the 11th of March, when Mr. Taylor proposed, as a substitute for this measure, the removal of the Bankruptcy jurisdiction from the Great Seal. His motion was very unsuccessful, being opposed not only by the Government, but by Mr. Leach and Sir S. Romilly: and the Vice-Chancellor's bill was then read a third time and passed. It is the 53d of Geo. 3. c. 24.

The first appointment under it was conferred on Sir

Thomas Plumer, the then Attorney-General, who was invested with the office in the following April. Sir S. Romilly speaks with no small asperity of the promotion itself, and of the motives to which he ascribes it: —

"A worse appointment," says he, "than that of Plumer to be Vice-Chancellor could hardly have been made. He knows nothing of the law of real property, nothing of the law of bankruptcy, and nothing of the doctrines peculiar to courts of equity. His appointment to this office is the more extraordinary, as the Chancellor is fully aware of his incapacity to discharge the duties of it; and as Richards, who is certainly the best qualified for it of any one now in the profession, and whose politics could raise no objection to his promotion, has been always considered as the Chancellor's most intimate private friend. The Regent certainly cannot have made it a point to have Plumer promoted, since he is one of the avowed authors of the Princess of Wales's defence, which abounds with the most injurious insinuations against the Prince. The only explanation of all this is, that, with the rest of the Ministry, Plumer has a very strong interest; that they have earnestly pressed his appointment, and have represented that it would be a great slight upon him if he were to be passed by; and that the Chancellor has not on this, as he never has on any former occasion, suffered his sense of duty towards the public, or his private friendship, to prevail over his party politics." *

Now, unless where some overruling consideration of public advantage or disadvantage interposes, it is usual, in arranging promotions to the Bench, to give a preference to the law officers for the time being; and as to the higher appointments, the Chancellor's voice, though to a certain extent influential, is by no means absolute. Nor is it probable that the qualifications of Sir T. Plumer, for dealing with those

* Memoirs of Romilly's Life, vol. iii. pp. 102, 103.

branches of law which as Vice-Chancellor he would have to administer, were regarded by Lord Eldon in the same unfavourable light as by Sir Samuel Romilly. In point of fact, the Attorney-General turned out to be, if not a great Judge, yet certainly, in the opinion of the legal profession, a competent one. It is true, however, that Lord Eldon did not exert his influence so resolutely as under all the circumstances of the case he ought to have exerted it, for securing a still better selection. He allowed himself to be in some measure swayed by a compassionate consideration for Sir T. Plumer's state of health; and he afterwards took no small blame to himself in the matter, as appears from the testimony of a venerable and excellent member of the Bar, Mr. Wyatt, now the oldest practitioner in the Court of Chancery, who has furnished the following memorandum, with permission to publish it here: —

"After Sir Thomas Plumer was appointed Vice-Chancellor, I went to a consultation with Mr. Richards (with whom I was well acquainted) at his chambers in Lincoln's Inn. There were other counsel coming; I was there first. I said to Mr. Richards, 'Instead of coming to consultation, I thought I 'should have come to argue before you as Vice-Chan-'cellor.' He replied, 'I thought so too, Wyatt, as I 'had much conversation with the Chancellor about 'Plumer; we both agreed, that he was very unfit: and 'I certainly thought from the manner and language 'of the Chancellor, that I was to be appointed. Upon 'my going into court at Lincoln's Inn afterwards, 'when, perhaps, the coldness and reserve of my 'manner might attract his Lordship's notice, he sent

'for me, at the rising of the Court, into his private 'room, and began to talk about Plumer's appoint- 'ment. I said, your Lordship certainly never pro- 'mised me, but every thing short of a promise you 'made me. I am the same man I was then; I am 'not altered; I have not behaved ill. But, *with very 'strong language* he said, "*Richards, I have.*"' Other counsel then came in, and our conversation ended."

Mr. Richards, however, was not long neglected. In 1814, the Chancellor made him a puisne Baron, and, in 1816, he was appointed Lord Chief Baron of the Exchequer.

The Chancellor's grandson and heir, the present Earl, having more than completed his seventh year, it became a question of anxiety with his mother, Mrs. Farrer, who had been appointed by Lord Chancellor Erskine to be his guardian jointly with Lord Eldon, on what system her son's education should be conducted; and Lord Eldon, to whose advice she referred herself on this important point, gave his opinion in a letter of which the following is an extract: —

"May 13th, 1813.

"I can have no doubt that he must go to a public school, and I offer it, as my judgment, formed upon the observation which a long and active life has given me the opportunity of making, that no considerable man can be formed in a private one: at least this is so generally true, that instances to the contrary are rather cases of exception, than instances which affect its general truth. I do not mean to propose that he should go at first to one of our great public schools; — on the other hand, if a school is so limited in number of boys, as to carry on the modern system of private education of a very few boys together, all experience, I think, proves the choice of such a school injudicious."

The Session of 1813 is not so remarkable for any debate wherein Lord Eldon took a part, as for the passing of a bill in relief of the Irish Roman Catholics which it was not thought necessary, in his judgment or in that of any of the leading exclusionists, to debate at all, and to which Lord Liverpool, then first Minister, gave his express approval. It provided that Roman Catholics holding any civil or military office granted to them in Ireland under the Irish Act of 33 Geo. 3. c. 21., who should have taken the oaths by that Irish act prescribed, should not be liable in England, in the Navy, or in Jersey or Guernsey, to any of the penalties of 25 Car. 2. c. 2., or to any penalties for not taking tests; and that any Roman Catholic having taken those oaths, and having received in Ireland a commission in the Army, should not, on receiving a higher commission in Great Britain, be liable to any of the said penalties. This measure, which originated in the House of Lords, was introduced by the Duke of Norfolk, and passed into law as the 53 Geo. 3. c. 128.

The Prince Regent came himself to the House of Lords on the 22nd of July, and prorogued the Parliament, which he re-opened in person on the 4th of the following November. A few days afterwards, Lord Eldon gives this account of his own position in the good graces of the Royal personage: —

Lord Eldon to Dr. Swire. —(Extract.)

(No date; endorsed
"Dear Swire, London, Nov. 13th, 1813.)

"As a piece of church news, I mention to you that Dr. Parsons, the late Vice-Chancellor, is the new Bishop of Peterborough. He is a stout fellow, and right, I believe,

upon points of modern controversy,—the Catholic Question particularly; and my young master, who is as eager as his father was upon that, and of the same way of thinking, seems to me to be looking out very sincerely for those who are able and willing to support Church and State as we have had them in times past. I suppose this and Howley's promotion will mortify our gentlemen at Exeter and Brasennose Colleges—the respective heads of which, we hear, being unwilling to illuminate for our late glorious successes, have had their lodgings, as far as windows go, most completely demolished. What a blessing to himself and to the country it has been, that the Prince did not succeed to government, upon the King's demise, but under circumstances which have given him an opportunity of learning what he would otherwise never have known,—or, as the Queen puts it, of enabling her son George to learn that his poor father knew better who were his son's best friends than that son himself did! He is conducting himself really extremely well. His father, he says, often told him not to part with the Chancellor; but he owns to me that he hated me more than he detested any other man in the kingdom. At present many, I believe, think he is too much attached to me, and I am sure that it is impossible for a human being to treat another with more confidence and regard than he does me. The horrible falsehoods with which wicked politicians had filled his mind, he has now been able, by documents of transactions to which they relate, to detect fully. Heavens! what a talk you and I might have, for a week together, on this subject, if we could but meet! I still look forward to seeing you in Yorkshire, and, in despite of your resolves, to seeing you and Mrs. S. in my paradise in Dorset."

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CHAPTER XXXVI.

1814.

ADJOURNMENT OF PARLIAMENT FOR THE SETTLEMENT OF EUROPEAN AFFAIRS UNDER THE GENERAL PACIFICATION.—STRICTURES OF SIR S. ROMILLY UPON LORD ELDON'S CONDUCT WITH RESPECT TO SIR W. GARROW.—PROJECT FOR A MARRIAGE OF THE PRINCESS CHARLOTTE WITH THE PRINCE OF ORANGE: LETTER FROM LORD LIVERPOOL TO THE CHANCELLOR.—PRINCE REGENT AND EMPEROR OF RUSSIA.—FREEDOM OF MERCHANT TAILORS.—THE DUKE OF WELLINGTON'S SEAT IN THE HOUSE OF LORDS FIRST TAKEN.—PRINCESS CHARLOTTE: HER FLIGHT FROM WARWICK HOUSE: LORD ELDON'S ACCOUNT OF THE CIRCUMSTANCES OF HER RETURN: QUESTION AND MOTION OF THE DUKE OF SUSSEX IN THE HOUSE OF LORDS.—OFFICES IN REVERSION BILL.—DEBTORS' FREEHOLD ESTATES BILL.—DR. SWIRE'S PRESENT TO LORD ELDON OF A BIBLE: LORD ELDON'S LETTER TO HIM.

THE extraordinary successes of the Continental powers, who had now rescued their dominions from the usurpation of Napoleon and carried their reprisals into the territory of France herself, excited, throughout the British empire, a very general hope, that by a vigorous prosecution of hostilities the struggle would shortly be ended and accomplished, and a safe and lasting peace achieved. It was necessary for this purpose to provide new funds and to negotiate new treaties of alliance; and in order to afford the interval requisite for these arrangements, the two Houses of Parliament adjourned on the 20th of December to the first day of the succeeding March. When that day arrived, a message was delivered to both Houses from

the Prince Regent, desiring their further adjournment to March the 21st; and both assemblies, after some discussion, complied. In the House of Lords an apprehension was expressed, that considerable evil would be occasioned by the interruption of the appeals. The Lord Chancellor answered that as the adjournment for the proposed three weeks would enable him to give to the Court of Chancery a number of days which he must otherwise have devoted to the appeals, he should think himself warranted in appropriating to the appeals, when the House should re-assemble, an equal portion of time from the Court of Chancery.

Sir James Mansfield, whose early kindness to Lord Eldon, at the time of the Clitheroe petition in 1781, has before been mentioned, and who, in 1804, had been raised, by Lord Eldon's grateful influence, to the Chief Justiceship of the Common Pleas, resigned that office in the vacation between Hilary and Easter terms 1814. Shortly before this resignation, Sir S. Romilly writes in his Diary as follows: —

"Sir Vicary Gibbs, it seems agreed on all hands, is to succeed him (Mansfield); but who is to succeed Gibbs as Chief Baron seems not a little doubtful. For some time it was considered as quite settled that it was to be the Attorney-General (Garrow); and he has himself talked very confidently about it, has made inquiries respecting the probable state of business upon the different circuits, and has observed that it would be an affectation in him to be silent upon what everybody else was speaking of. How well qualified he is to preside in a court in which all questions respecting the rights of the Crown in matters of property are decided may be conjectured from what passed last summer in the House of Lords. On the claim to the Earldom of Airlie, the question was whether a Scotch entailed title of honour was forfeited by its devolving on an attainted person, subsequent to his attainder; or whe-

ther (as I had to contend) it was merely suspended during his life, and on his death came to the next heir of entail. Garrow, as Attorney-General, on behalf of the Crown, had to answer Adam's and my argument. Perceiving, from his observations to me while the claim was depending, how little he knew of the matter, I was curious to see how, when it came to him to speak, he would extricate himself from his difficulty. He did extricate himself, but in a way for which I certainly was not prepared. He appeared at the bar of the House of Lords with a written argument, the whole of which he very deliberately read, without venturing to add a single observation or expression of his own. In the Stafford peerage, which stood for the same day, he did exactly the same thing. He merely read an argument which somebody had composed for him; and none of the Lords were malicious enough to interrupt him, or to put any questions to him on any of the doctrines which he had to maintain. I have since been informed, that both these arguments were written by Hobhouse, one of the solicitors of the Treasury. A very new sort of exhibition this by an Attorney-General! Two days afterwards, in the Court of Chancery, on a question whether a manager of a theatre could discharge the duties of his office without personal attendance, I, who had to argue that he could not, said that it would be as difficult as for a counsel to do his duty in that Court by writing arguments, and sending them to some person to read them for him. The Lord Chancellor interrupted me by saying, 'In this Court or in any other?' And after the Court rose, he said to me, 'You knew, I suppose, what I alluded to? It was Garrow's written argument in the House of Lords.' So little respect has his Lordship for an Attorney-General, whom he himself appointed because he was agreeable to the Prince." *

On this it is observable that the Minister, and not the Chancellor, appoints the Attorney-General. It may be quite true that the Chancellor would usually be consulted in such an appointment; but it is one thing to bestow a promotion, another not to take the

* Memoirs of Romilly's Life, vol. iii. pp. 127, 128.

strong and invidious course of putting a veto upon it. The Chancellor, having neither practised nor presided in the courts where Sir William Garrow was an advocate, knew but little of him beyond his general celebrity at Nisi Prius; and it was probably from the same infrequency of intercourse with him that Sir Samuel himself appears to have been unaware of his incompetency for certain kinds of legal argument, until it became apparent from the observations he made to Sir Samuel upon this very peerage some time before the hearing. — Sir W. Garrow did not obtain the appointment of Chief Baron. It was given to Sir Alexander Thomson, one of the puisne Barons, who was succeeded by Mr. Richards. Sir W. Garrow was never promoted beyond the rank of a puisne Baron, which he accepted in 1817.

In April the treaties were signed, by which the Continental war was brought to a conclusion, the Bourbons replaced on the throne of France, and the sovereignty of Napoleon circumscribed by the shores of the island of Elba.

The friendly relations, which the circumstances of Europe had established between Great Britain and Holland, now suggested the Prince of Orange as a suitable consort for the Regent's only daughter, the Princess Charlotte of Wales, who was presumptive Heiress to the British Crown, and then in her eighteenth year. On the prospect of this union (which was never matured) the following letter was addressed by Lord Liverpool to the Chancellor: —

"My dear Lord, "Fife House, April 27th, 1814.

"I am very much pressed by Mr. Fagel for the project of the Convention we promised him.

"Upon the principle, I conceive there is no difficulty. One point is indispensable,—that the sovereignty of Great Britain and of Holland shall never be in the same person.

"Another is desirable, but not indispensable,—that the succession to the two sovereignties shall, if possible, go to the descendants in different lines, so that their respective pretensions may not afterwards clash.

"With respect to the Hereditary Prince of Orange, we cannot call upon him to give up his rights, as future sovereign of the Netherlands. But he will never be King of this country, nor be anything in the country, when he resides here, but a subject. His eldest son, if he lives, will be King of Great Britain. There is no difficulty therefore about excluding him specifically from the sovereignty of Holland. His second son, it is proposed, should succeed to the sovereignty of Holland. If, by the death of his brother, he succeeded to the sovereignty of Great Britain, he of course must give up the sovereignty of Holland. But the question of doubt is, whether, if he succeeded to be *Heir apparent* or *Heir presumptive* to the sovereignty of Great Britain, he should *thereby* forfeit the sovereignty of Holland.

"Is not this a Dutch question, and might it not be left to the Dutch legislature to determine? All *we* are bound to provide is, that the two sovereignties shall not be in the same person; and we have no objection to stipulate that the first-born son of the marriage shall not succeed to the sovereignty of Holland.

"Surely there can be no difficulty in providing that all other contingencies as to the sovereignty of Holland shall depend upon the laws of Holland, provided always that the two sovereignties never are vested in one person.

"This can involve us in no difficulty, because it is not proposed to make any alteration in the succession to the Throne of Great Britain.

"I wish you would try to draw up a short stipulation in this sense and to this effect; and I am anxious, for reasons that will occur to you, that it should be done soon.

"Believe me to be, my dear Lord,

"Very sincerely yours,

"LIVERPOOL."

In the month of June 1814, the Allied Sovereigns paid a visit to this country. The Anecdote Book has this little story of the Emperor of Russia: —

"When the Emperor of Russia was in England (as to whom rumour represented that there was not much of a better agreement between him and his wife than between our Prince Regent and his spouse), the Emperor and the Prince Regent being together in a carriage in the streets in London, one of the mob put his head into the carriage nearly, and said, 'Where's your wife? Where's your wife?' The Prince Regent is reported to have said, 'Emperor, that's for you!'"

On the first of this same month of June, the Court of Assistants of the Merchant Tailors' Company had passed a series of resolutions, voting the freedom of their Company to Lord Eldon, and panegyrising, in the highest terms, his ability and learning, his loyalty to his Sovereign, and his attachment to the constitution of his country in Church and State. Lord Eldon fails not to commemorate in his Anecdote Book the compliment thus paid to him. "The very respectable Company of Merchant Tailors, in London, did me the honour to confer upon me the freedom of that Company. Their motto is '*Concordiâ parvæ res crescunt.*' That wicked wag, John Wilkes, construed these words thus: 'Nine tailors make a man.'"

During the 9th, 10th, and 11th of June there were rejoicings in London, for the successful termination of the war with France. The metropolis was illuminated on each of these nights; and Lord Eldon's house in Bedford Square displayed, in letters formed of lamps, the words, "THANKS TO GOD."

The 28th was the day on which the Duke of Wellington took his seat in the House of Lords. Lord Eldon's Anecdote Book has the following observations upon the peculiarity of the circumstances in which the Duke entered that assembly: —

"It happened to be my duty, when I was Chancellor, upon the Duke of Wellington's first coming into the House of Lords, to return him the thanks of that House for his great services to his country. I am not aware of any other instance in the peerage of an individual being, at his first entrance into the House, a Baron, a Viscount, an Earl, a Marquis, and a Duke, having had from time to time each title conferred upon him for distinct services to his country. I made that singular fact a distinct and leading topic in my address to him. Individuals of the Royal Family may have been introduced, having by patent all the dignities at one moment conferred upon them by Royal favour. But this nobleman rose, from time to time, from one dignity to another, until he had attained every dignity, each conferred by distinct grants * made upon different occasions for different services, and all those services rendered to the country before he could return to it to take his seat after the grant of the dignities. What I stated is printed in the Journals of the House."

Some public sensation was excited in the course of this month of July 1814, by a sudden movement of the Princess Charlotte. She was resident at Warwick House, when, on the 12th, the Prince Regent, accompanied by the Bishop of Salisbury who had the

* The dignities of Baron and Viscount appear to have been by *one* grant.

superintendence of her Royal Highness's education, unexpectedly visited her, and, pronouncing the dismission of her attendants, declared his intention of taking her with him to Carlton House. The whole proceeding, and the conversation which accompanied it, appear to have been very painful and startling to her Royal Highness, who, requesting leave to retire, escaped by the back staircase into the street, hurried into a hackney coach, and drove to Connaught House, the then residence of her mother. As soon as the place of the young Princess's retreat was ascertained, the Duke of York, the Lord Chancellor, and some other person, proceeded thither, with instructions from the Regent to bring her back.

The sequel was thus briefly related by Lord Eldon to Mrs. Forster: —

"When we arrived I informed her a carriage was at the door, and we would attend her home. But home she would not go. She kicked and bounced; but would not go. Well, to do my office as gently as I could, I told her I was sorry for it, for until she did go, she would be obliged to entertain us, as we would not leave her. At last she accompanied us."

She remained at Carlton House during a part of the summer, and then removed to Cranborne Lodge in Windsor Forest. Her change of abode from Warwick House to Carlton House was made the subject of some inquiries in the House of Lords, addressed to Lord Liverpool by the Duke of Sussex, one of which was, whether her Royal Highness, since her removal to Carlton House, had the same liberty of communication with her friends and connections as at Warwick House? Lord Liverpool declined to answer a ques-

tion which interfered with the paternal rights of the Prince Regent acting for his Majesty: upon which the Royal Duke disclaimed the least idea of anything disrespectful toward the Prince Regent.

The Lord Chancellor said he could not give a silent vote. He was persuaded that the Royal Duke had no intention disrespectful toward the great person alluded to, but he must take the liberty of saying, that if his Noble Friend had answered those questions, he would have been guilty of a breach of his duty; he would have betrayed his duty to his sovereign; and if he had answered the question respecting the Princess's communication with her friends and connections (it might as well have been said of her enemies) he himself would never again have conversed with him. Could such a question be said to convey no imputation? But if it were only upon the Ministers of the Crown that the animadversion was intended to attach,—if it were made but in reference to the advice which it might be supposed that they had offered,—he must say that the subject was one upon which the Constitution had given to no man a right of interposing lightly. The great person alluded to had the exclusive title to direct the education of his child; at least a very strong ground indeed must be laid to warrant the interposition of Parliament with respect to advice so given and followed. And he had the satisfaction of being able to state, in the face of the country, that the whole conduct of that great person toward his illustrious daughter had been such as to merit the applause, and not the censure, of the country.

A motion on the same subject, of which the Duke of Sussex gave notice for the 27th, was on the 25th withdrawn by his Royal Highness.

The Lord Chancellor expressed his opinion that it was withdrawn very properly, but added his desire to have it distinctly understood, that nothing which had passed in that House had influenced the advisers of the Prince Regent on this subject. He had never meant to contend that there might not be cases touching the Royal Family, in which it

might be the duty of Parliament to interfere; but he maintained that no ground whatever had been laid for such interference in the present instance.

The month of July produced several discussions, in which the Lord Chancellor bore a part. One of them was on a bill sent up from the Commons, to suspend, until the next Session, the granting of offices in reversion. A similar suspension act having been passed in the Session preceding,

Lord Grosvenor, in moving the second reading of the present bill, on the 8th of July 1814, founded himself on the Chancellor's acquiescence in the previous one, which acquiescence, however, he intimated, might have been owing to an expression of popular opinion so strong, that the Learned Lord had not chosen to oppose it. If this measure should be rejected by their Lordships, the other House, as the Session was too far advanced for the introduction of another bill, would probably think fit to address the Crown upon the subject.

The Lord Chancellor said he could not consent to these repetitions of suspension bills. The Noble Earl had chosen to ascribe his former acquiescence to his sensibility to popular opinion. He would tell the Noble Earl that if the popular opinion appeared to him to be just, he was always happy to concur in it; if unjust, he wished to go on, as he had done during his life, without being influenced by it; and he was convinced that Parliament would have heard much less of the measures of reform to which the Noble Earl alluded, had other people acted on the same principle. The Noble Earl talked of the wisdom of the other House of Parliament. It was a wonderfully wise way of legislating, truly, after their Lordships had six times (five times on the second reading and once on the third) rejected a permanent bill on this subject, to send them up annually a bill of suspension, with the evident view eventually to force the whole measure. If they were to go on, year after year, agreeing to such bills, the statute-book would be filled with temporary and mischievous expedients merely. Was it consistent with their Lordships' dignity, that that which they had so repeatedly

refused to do should be attempted by these yearly and gradual attacks? With respect to the argument derived by the Noble Earl from the course that would probably be adopted by the other House of Parliament in the event of the rejection of the present measure, he would not condescend to answer it. If their Lordships were to be induced to modify their proceedings by any such suppositions or circumstances, they had better shut their doors at once. In objecting to this bill, he simply maintained the respect which was due to that House.

The bill was thrown out.

The Chancellor, on the 18th of July, opposed also a bill, sent up from the Commons, for rendering the freehold estates, of persons dying indebted, liable to their simple contract debts.

It was always (said he) in the creditor's power to stipulate for a bond, and then he would have his remedy against the land of the debtor. This bill, while it went to remove the guards with which the policy of the law had fenced landed property, afforded in fact but little benefit to the creditor; and it was better that he should be left to use his own caution and discretion, than that he should sit down in apathy, under the notion that the legislature would take care of his interests.

The bill was rejected without a division. — On the 30th, that Session of Parliament was closed, with a speech from the Prince Regent in person; and the following Session was opened, in like form, on the 8th of November in the same year.

On the 4th of December, Lord Eldon writes thus to his confidential correspondent, Dr. Swire, thanking him for a present of a Bible: —

"Dear Swire, "Sunday.

"Last night brought me your invaluable present; and I beg you to believe that I receive it with the most grateful feelings towards him who has thought of my best interests when he sent it to me. I shall not rest, till I can come per-

sonally to thank you for it. It is a consolation to me, which I cannot duly estimate, that, in a life which from its nature has compelled me to sacrifice almost every hour (in this state of probation) of adult periods to worldly concerns, the impressions which I received in infancy and in very early youth, respecting the doctrines contained in this Volume, have continued so lively and so strong, that I have seldom engaged in any important act, without recollecting in what manner I have been herein taught that I shall be accountable for it at the throne of justice and mercy. Through that mercy, I humbly hope that that justice will pardon what I must otherwise think of with despair. I had thought that ere this time I should have been disengaged from the fatigue and oppression (for it begins to be oppressive at my years) of my office. But I have found it more difficult to persuade others than to persuade myself, that it is time for me to go. Providence and the country have bestowed upon me so much more than I could hope or deserve, that I ought perhaps to be somewhat ashamed of quitting my post, when those, who are entrusted to judge, think that I may still be useful; but the struggle, between inclination to resign and reluctance to be thought too willing to consult my own ease, cannot last much longer, because it must soon become a question about existence. I note all other parts of your letter, and shall give all due attention to them. Lady Eldon joins me in affectionate regards to you and Mrs. Swire.

"Ever, dear Swire,

"Yours faithfully, ELDON."

The Bible referred to in this letter was in Lord Eldon's possession at the time of his death. It has the following words in his hand-writing: —

"This book was given to me by the Reverend Samuel Swire, D. D., Rector of Melsonby, in the county of York, and formerly Fellow of University College, Oxford. I presented him to the rectory of Barningham, nearly contiguous to Melsonby, after he had refused preferments at a distance from Melsonby, declining to shear the flock which he could not feed. — ELDON."

After this come the following words, likewise in Lord Eldon's hand-writing, but apparently written at another time: —

"The Scriptures have God for their author, — salvation for their object, — and, as to the matter they contain, God being their author, it is truth without mixture of error."*

A small volume, containing the latter portion of the New Testament in Greek, was also in Lord Eldon's possession at the time of his death. It has the following words in his hand-writing: —

"This little book my revered schoolmaster, Hugh Moises, generally had in his pocket — nearly always in his walks. — Eldon. — I desire this to be preserved in my family as long as possible."

* "Let him study the Holy Scripture, especially the New Testament. Therein are contained the words of eternal life: it has God for its author; salvation for its end; and truth, without any mixture of error, for its matter." — Locke's Works (1812), vol. x. p. 306: Letter to the Rev. Richard King, August 25th, 1703.

CHAPTER XXXVII.

1815.

SCOTCH JURY BILL. — CORN-LAW RIOTS: ATTACK ON LORD ELDON'S HOUSE: HIS NARRATIVE OF PARTICULARS: LETTER FROM QUEEN CHARLOTTE TO THE HON. MISS SCOTT. — REPLY OF LORD ELDON IN THE HOUSE OF LORDS TO THE DUKE OF GLOUCESTER. — SECOND BILL RESPECTING FREEHOLD ESTATES OF DEBTORS. — MR. JEKYLL'S APPOINTMENT TO A MASTERSHIP IN CHANCERY: ANECDOTES CONNECTED WITH IT. — MARRIAGE OF THE DUKE OF CUMBERLAND. — DETENTION OF NAPOLEON AT ST. HELENA: LETTERS OF LORD ELDON AND LORD LIVERPOOL UPON THE PRINCIPLE OF IT.

A BILL for enabling the Scotch courts to extend the trial by jury to civil causes, (the 55th of Geo. 3. c. 42.) was introduced into the House of Lords by the Chancellor on the 16th of February 1815, when he withdrew a former and less perfect bill, presented before Christmas. The measure was more fully explained by him on the 23rd of February, when he moved the second reading.

He represented it to be a very material improvement on the then existing law; and though it did not effect all which might be thought desirable, he thought that to do even thus much was far better than to do nothing, and that this step would lead to the accomplishment, at no distant period, of further improvements, in which the feelings of the Scotch people would concur. He had great satisfaction in stating that what was now proposed was likely to be agreeable to them; and certainly, considering how long the then existing system had been established, he wished that any changes attempted should be with their full concurrence.

When the bill was in Committee, on the 28th, some conversation arose about the expediency of requiring unanimity in the verdicts; and the Chancellor, being requested to declare his opinion, said,

He did not mean to decline delivering his opinion, which was fixed and clear from long practice, experience, and observation. He was most decidedly convinced that the principle of agreement by the jury in their verdict was essential to that mode of administering justice.

Lord Redesdale, Lord Erskine, and other peers expressed the same opinion; and on the motion of the Chancellor, a clause for giving effect to it was inserted when the bill was reported.*

In the beginning of March, Lord Eldon had a narrow escape from a considerable peril. The bill, then in its progress through Parliament, for imposing a duty on the importation of foreign corn, was extremely obnoxious to the lower classes of the metropolitan population; and on the 6th of March, before the hour when the business of the two Houses usually begins, a discontented crowd began to collect in the lobbies and avenues that lead to them. Being obliged by the constables in attendance to retire, the angry multitude took post about the environs of Westminster Hall, where they obstructed the access of members, and continued to conduct themselves in so riotous a manner that it was found necessary to call out the troops.

Lord Eldon's residence was then at No. 6 in Bedford Square; and thither, about ten o'clock at night, a body of the mob proceeded. They broke all the windows; and tearing up some of the iron railings

* Sect. 34.

before the area, they employed these as crow-bars to wrench an entrance. The outer door giving way beneath this violence, they rushed in and instantly filled the hall and a room opening into it; and then, finding the interior barred against them, they betook themselves to the work of destruction where they were. The back premises fortunately communicated with the gardens of the British Museum, and there Lord Eldon's family took refuge. They gave the alarm to the soldiers of the Museum guard, who, hastening across to the back of the dwelling-house, soon entered it and drove out all the intruders, except two who were taken into custody on the spot; but this clearance was only effected after the total demolition of the furniture in the hall and adjoining room. It was not till after eleven that night, on the arrival of a party of the Horse Guards, that the mob retreated wholly from Bedford Square. They soon collected again, in the neighbourhood of Great Russell Street, where they did further mischief. The riot continued in various parts of the town during the 7th, 8th, and 9th of March. By this time, however, the houses of the Lord Chancellor, and of many other leading members of the Ministry and of the Legislature, were garrisoned with soldiers; and, London being ultimately surrounded by troops on every hand, the disturbances ended.

Lord Eldon afterwards found leisure to write in his Anecdote Book some details of this affair, which are as follows: —

"When my house in Bedford Square was attacked by a mob, supposing that I had supported in Par-

liament the Corn Bill *, upon which I had never uttered a word, or indeed had ever been called upon to form, and therefore never had expressed, an opinion upon it, the fury of the mob was very great. The front windows and door of the house were demolished, some furniture destroyed, and many papers, including some judgments, thrown out of doors. The alarm in the house was excessive. I was obliged to remove my wife and children into the British Museum, and with some difficulty got a corporal and four soldiers through the Museum garden into the house while the mob were in it. I proposed to the corporal that we should proceed out of my study into the great room which adjoins it, and from that into the dining-room; and, the mob being in the hall and a little adjoining room, we should be able to surprise and secure them. He was a Scotchman, and said, 'We are not strong enough to keep them in, but with 'good management we may drive them out. I won't 'let my men put powder and ball into their muskets, 'but they shall fix their bayonets, and if you will 'go with me, and, when we get out of this study into 'the hall, will give me your orders to charge them 'with the bayonets, I will, and my men shall obey 'those orders; but we must make the best appear-'ance we can, and, as there are only four soldiers, 'they must follow one by one, and we must so 'manage the matter, that the mob may suppose that 'there will be no end of them who are coming.' Accordingly we so advanced, and the corporal, calling out to his soldiers to come, in language tending to

* He had said a few words in 1814, June 4th, in deprecation of the general clamour on the subject of the Corn Laws.

make it believed that they were numerous, the mob fled with great precipitation. The front doors being demolished, two soldiers guarded the entrance crossing their muskets. The mob held a consultation at the top of Keppel Street, whether they should attack the house again; but, conceiving the military corps inside to be strong, they gave it up. I brought into the house by their collars two of the mob, and told them that they would be hanged.* One of them bid me look to myself, and told me that the people were much more likely to hang me than I was to procure any of them to be hanged. They were sent before a justice of peace, but the soldiers said they would do their duty as soldiers, but they would not be witnesses. The Government sent us some soldiers, and increased their number till they were about fifty, and a very considerable part of that number remained about three weeks in the house, persons in the front of the house from time to time using menacing language and threats, whenever from the streets they saw any persons in the house. During

* The "Law Magazine," No. xliv., gives the story more racily. "Lord Eldon collared one of the intruders, and said, 'If you don't mind what you are about, my man, you'll be hanged.' The visitor replied, 'Perhaps so, old chap, but I think it looks *now* as if *you* would be hanged *first*.' 'And,' added the old peer, with somewhat more archness than usual in his sweet and intelligent smile, 'I had my misgivings that he was in the right.' On another occasion," continues the same record, "when the House of Lords was surrounded by a multitude incensed to fury against the Corn Laws, and the Lord Chancellor was, amongst others, marked out for insult, the people, on finding, when his carriage drove up to take him away, that his wife, who had been in the habit of coming to meet him, was in it, and had not been deterred through fear of their violence, at one changed their intention, and, giving a cheer to the lady, allowed both of them to depart in peace."

all that time I could only leave the house by going through the Museum gardens, and into the streets from the Museum, attended to Westminster on foot by Townsend of the police, through all the obscure streets and alleys in which we could find a passage. I thank God we got my wife and children safe from their retreat in the Museum."

"Townsend spent all his nights in the house reading my books, and when I came down, one morning, he said he had been delighted in reading those great creatures Hale and Holt; but he had been more surprised than he could describe by the talk of the corporal. 'I told him,' said Townsend, 'that Sir 'Joseph Banks's house had been attacked by the mob, 'and what do you think,' says he, 'the Corporal said 'to me? Your Lordship has had a fine education, 'and therefore it would not have been surprising if '*you* had said what *he* said. Indeed, though I have 'not been blessed,' he added, 'with as good an edu-'cation as your Lordship has had, yet, in the late 'years I have been amongst the best of company, 'and therefore *I* might have said what he said to 'me, but that *he*, a poor Scotch corporal, who knew 'nothing of good company, and had seen nothing 'but what he observed in going through the "Nin-'sula," should pick up such fine language, was really 'surprising.' 'What was it,' said I, 'Townsend?' 'Well,' said he, 'my Lord, would you believe it, 'he exclaimed, "Have they hurt the phœnix of 'Botany?"'* My poor excellent corporal and commander was shot at Waterloo."

The Queen took the occasion of the Lord Chan-

* Sir Joseph Banks, the President of the Royal Society.

cellor's danger and escape, to express, in a letter to his eldest daughter, that kind interest and friendly feeling with which the Royal Family delighted to honour him.

Queen Charlotte to the Hon. Miss Scott.

"Madam, "Windsor, March 8th, 1815.

"Though I am willing to give credit to the newspapers, that the Lord Chancellor is quite well after the disturbances of Monday last, I am yet anxious to have this pleasing circumstance confirmed by you, and desire to be informed that neither the Lord Chancellor nor Lady Eldon have seriously suffered from it. I cannot help being anxious about the Lord Chancellor, for whose personal character I entertain so high an esteem, and I feel that were it different I should with truth be deemed ungrateful.

"CHARLOTTE."

On the 17th, in the House of Lords, Lord Eldon, with some warmth, opposed a motion, made by Lord Grenville, for allowing the City of London to be heard by counsel against the Corn Bill. Lord Eldon grounded his opposition on the general rule, that petitioners are not to be heard by counsel upon a bill in which they have no special interest; and that there was no reason for showing any peculiar favour to the City of London. Being irregularly interrupted by the Duke of Gloucester, he paused to rebuke that Royal Person, with as much firmness as if the impropriety had been committed by any undistinguished member of the peerage. "I tell him," said the Lord Chancellor, "that as I think all petitioners equal, I know all Peers to be so."

The bill sent up by the House of Commons in 1813, for making freehold estates liable to the debts of a

deceased owner, having been rejected by the Lords, another bill for the same object was sent up by the Commons this year, and came on to be discussed by the Lords on the 29th of June.

The Lord Chancellor (in addition to the arguments on this subject, of which an abstract is contained in the last chapter)* observed that all men who gave credit to a landowner well knew they had no remedy against his land after his death. The law had always held real property more sacred than personal, and had provided that no transfer of it should be made without certain solemnities. The change now proposed would mislead creditors by inducing them to give credit to persons, walking over thousands of acres, but having in those acres only life interests. It did not go to make copyholds available; it did not go to require that entails should be barred for the benefit of creditors: and all these were inconsistencies.

The bill was rejected without a division. — The Session gave rise to no other debate which requires to be noticed here; and it terminated on the 12th of July, with a speech delivered by the Regent himself.

During the spring of this year the Prince Regent had been unremittingly urgent to obtain from Lord Eldon, for Mr. Jekyll, a Mastership in Chancery then vacant. The history of Mr. Jekyll's appointment, made at last in June 1815, is as follows, — the first part of it being given from the Anecdote Book: —

"When Mr. Jekyll was made by me a Master in Chancery, great offence was given by that appointment to the gentlemen at the Chancery Bar; and I afterwards found great inconvenience from an appointment of a gentleman, who never had been out of a Common Law Court, no future vacancy of a Master-

* Parl. Deb. July 18th, 1814.

ship having ever taken place without applications from the common lawyers to be made Masters, applications before that time very unusual, and which I was obliged to resist. The fact was, that Jekyll was a great favourite with everybody; he was the descendant of an eminent lawyer, Sir Joseph Jekyll, who had been Master of the Rolls; everybody wished him to be well provided for, in a proper mode. Nobody wished *that* more than I wished it; but I hesitated for weeks and months before I made the appointment. His most anxious and most powerful well-wisher was the Prince Regent, who was very much attached to him, and with whom Jekyll had spent many convivial hours. He was a person of great humour and wit, and indulged himself in manifesting his wit and humour to a great extent, and, I believe, without having ever said an ill-natured, provoking, or rude thing, of or to any man, whilst he was so indulging himself. The Prince Regent, after having appplied to me repeatedly at Carlton House to appoint Mr. Jekyll the Master without effect, and having often observed that a man of his sense and abilities would soon be able to learn his business, (which might be very true, but the appointment would nevertheless introduce a most inconvenient host of candidates from the Common Law Bar for Chancery offices) at length, in furtherance of his purpose, took the following step: — He came alone to my door in Bedford Square. Upon the servants going to the door, the Prince Regent observed that, as the Chancellor had the gout, he knew he must be at home, and he therefore desired he might be shown up to the room where the Chancellor was."

What followed is very circumstantially related by Mrs. Forster, from Lord Eldon's own mouth: —

"My servants told the Prince I was much too ill to be seen. He, however, pressed to be admitted; and they, very properly and respectfully, informed him that they had positive orders to show in *no* one. Upon which he suddenly asked them to show him the staircase, which you know they could not refuse to do. They attended him to it, and he immediately ascended, and pointed first to one door, then to another, asking, 'Is that your Master's room?' — they answering, 'No,' — until he came to the right one; upon which he opened the door and seated himself by my bed-side. Well, I was rather surprised to see his Royal Highness, and inquired his pleasure. He stated he had come to request that I would appoint Jekyll to the vacant Mastership in Chancery. I respectfully answered that I deeply regretted his Royal Highness should ask that, for I could not comply. He inquired why I could not, and I told him, simply because in my opinion Mr. Jekyll was totally unqualified to discharge the duties of that office. He, however, repeated his request, and urged very strongly. I again refused; and for a great length of time he continued to urge, and I continued to refuse, saying Mr. Jekyll was unfit for the office, and I would never agree.

"His Highness suddenly threw himself back in his chair, exclaiming, 'How I do pity Lady Eldon!' 'Good God,' I said, 'what is the matter?' — 'Oh, nothing,' answered the Prince, 'except that she never will see you again: for here I remain until you

promise to make Jekyll a Master in Chancery. Well, I was obliged at length to give in, — I could not help it. Others ought really to be very delicate in blaming appointments made by persons in authority, for there often are very many circumstances totally unknown to the public. However," added Lord Eldon, "Jekyll got on capitally. It was an unexpected result. One of my friends met him after he was appointed, and asked him how in the world he came to be picked out for that office; and he answered that he supposed it was because he was the most unfit man in the country. Now you see this very consciousness of his own want of ability led him in all difficult cases to consult two or three other Masters in Chancery; and, being guided by two or three experienced heads, he never got wrong.

"Thus," says the Anecdote Book, he "executed his office very reasonably well. I was, however, as I expected, tormented with future applications for the office of Master by the common lawyers. To those I did not yield. He continued in office for a considerable time, till indisposition and age obliged him to retire upon the usual pension. I met him in the street the day after his retirement; when, according to his usual manner, he addressed me in a joke: 'Yesterday, Lord Chancellor, I was your Master: — to-day I am my own master.'"

The Duke of Cumberland, who in the May of this year had been married at New Strelitz to the Princess Frederica, Dowager of the Prince of Solms Braunfels, was re-married to her at Carlton House on the 29th of August. The ceremony was so far a private one, that it was attended only by a few guests specially in-

vited, in addition to the Chancellor and other Ministers and Officers of State.

This was a year of great political events, consequent upon Napoleon's movement from Elba, — the reign of the hundred days, the battle of Waterloo, the second restoration of the French Royal Family, the final pacification of Europe. All these are matters of general history, and require no special review in this biography. But the disposal of Napoleon's person, after his surrender to the British Government, was an affair in which, as involving an important question of international law, the Chancellor of necessity took a principal and peculiar part; and the interesting and important letters subjoined, written after Napoleon's departure for St. Helena, explain the principles on which, after much anxiety and doubt, Lord Eldon gave his sanction to the deportation and permanent detention of the captive.

Lord Eldon to Sir William Scott. — (Extract.)

"Dear Brother, (Postmark, Sept. 16th, 1815.)

"The view you take of Bonaparte's business had before occurred to me, and I declare that I am unable to dispose of the difficulties attending it. I have hitherto felt them so strongly, as not finally to put the seal to the treaty the sovereigns have entered into at Paris: — which doth not please some people. But I suppose that a bill of indemnity must be had for the whole, or nearly the whole, that has been finally done by others. Let me hear of you — and God grant me the comfort of your sending good intelligence, relating to yourself, to Yours ever affectionately, ELDON."

Lord Liverpool to Lord Eldon. — (Extract.)

"My dear Lord, "Fife House, Oct. 1st, 1815.

"I have read and considered your argument respecting the situation of Bonaparte, and think there is great weight in it.

I own I was inclined to think the Master of the Rolls's view of the question correct, that you had your choice of considering him (Bonaparte) either as a French subject, or as a captain of freebooters or banditti, and consequently out of the pale of protection of nations. Before he quitted Elba, he enjoyed only a limited and conditional sovereignty, which ceased when the condition on which he held it was violated. In *which* character, then, did he make war on the King of France, our ally? Not as an independent sovereign, for he had no such character: not as a pretender to the crown of France in any admissible sense, for he had absolutely and entirely renounced all claim of this description. He must then revert either to his *original* character, of a French subject, or he has no character at all, and headed his expedition as an outlaw and outcast; '*Hostis humani generis.*' I am quite clear that in whatever way the subject is viewed, it will be desirable to have an act of Parliament* to settle any doubts which may arise on such a question; but I trust we have one good ground to found it upon, if not two."

Lord Eldon to Sir William Scott. — (Extract.)

"October 4th, 1815.

"Your letter of last night I was glad to receive, because my mind is pondering upon these things. The result, however, seems to me to be that, in your judgment, B. is a French subject, and ought to have been so treated, by being delivered up to his sovereign, Louis XVIII., and this includes the idea of giving St. Helena to his sovereign. Now the misfortune is, that I apprehend that (the state of things in France considered) no one of the Allies would have listened for a moment to his being delivered up — (to continue in life) — to that sovereign, either to remain in France, or, in his custody, in any other part of the world. It is a wretched case, therefore, that the thing did not admit of the only treatment that, *in this way* of putting it, could be reconciled to the law of nations. Whether those sovereigns *should* have so deter-

* Acts were passed accordingly in the next Session of Parliament: 56 Geo. 3. c. 22, 23.

mined I know not, but those who act upon politics and the main chance would never have consented to B.'s being retained in life in French custody anywhere. And I presume, from all that has happened, that, in that custody he never, as to life, would have met the fate of a traitor. Now here certainly is a most questionable matter of fact; but supposing the fact to be that he is a French subject, and that the safety of *nations* required that he should not be delivered up to his own sovereign, but that he should be continued in imprisonment whilst that safety did so *require*, is it not a strange thing that the law of nations does not admit a case of exception, but that you are to apply to such a case a rule which, in the application, can be of no manner of use? Whether this is imprisonment for life if justified by necessity, or for a shorter term in which necessity would justify it, makes no difference; for the imprisonment itself, and of course its duration, could only be justified by the continuance of the necessity; and I suppose the imprisonment which shall be agreed upon, if any, will not, upon the face of things at least, be imprisonment for life. I take it to be a clear fact, that all the Allies could never have been brought to agree to anything which, leaving B. in existence, left his existence under the custody of France; and I believe it to be as clear a fact, that no question could have been usefully stirred about him, as things turned up, but where and how he should exist. Lord Liverpool informs me by letter yesterday, that the *Master of the Rolls's* view of the subject is, that 'you had a 'right of considering B. either as a *French subject*, or as a 'captain of *freebooters* or *banditti*, and *consequently* out of the 'pale of the protection of nations.' I believe it will turn out, that if you can't make this a *casus exceptionis* or *omissus* in the law of nations, founded upon necessity, you will not really know what to say upon it. *Salus Reipublicæ suprema lex*, as to *one* state: *Salus omnium Rpubl* must be the *suprema lex* as to this case. *Party* I don't mind *much; posterity* not a *great deal;* for, of this transaction, in all its *particulars*, it will be as little informed in matter of fact as it is in most others; — but, to do the thing that is right, is really matter of most anxious concern with me.

"Yours, ELDON."

Lord Eldon to Sir William Scott. — (Extract.)

"Dear Brother, "Oct. 14th, 1815.

"I dare say what the Master of the Rolls said was only in some loose conversation; and, by the way, when men of his eminence talk, and sometimes judge, so quickly, their conduct imposes great hardship upon such a dull, slow, plodding, deliberating dog as I am."

The succeeding extract is part of a letter to Sir William Scott, of which the remainder is lost. Large allowance must of course be made for involution and carelessness in a composition not meant to meet the public eye; but the reader, once lifting himself above the haze of the phraseology, will find the argument singularly luminous.

Lord Eldon to Sir William Scott. — (Fragment.)

"Dear Brother, (No date.)

"The view which Lord Ellenborough takes of B.'s business seems to be this, as he himself indeed expresses it: — 'B. has 'been in a state of war with us, *jointly* waged by himself and 'others, and *severally* also, if we choose so to consider it: 'war being, as I conceive, the act of the aggregate body of 'the state and of all the individuals composing it. From the 'consequences of that state of war, he cannot be redeemed, 'but by the terms of such treaty of peace, as we may make 'with him individually, or with others either with him or 'for him. We may *either include him* in the *aggregate of 'the French nation,* and by so doing allow him the benefit of 'such terms as we allow generally to them, — or we may spe-'cially exclude him, in which case the state of war will still 'subsist as to him and so far only as a specific treaty with 'him shall qualify that state of war. Being once an enemy, 'he can only be at peace with us by our act and consent, and 'of course upon such terms only as we shall mutually agree 'upon.' He observes that he finds nothing in Vattel, &c., upon this sort of case. He adds, 'The question is new in 'specie, and can only be properly decided by considering, what

'rights result upon principle from a state of war, as against 'all *the individuals of the belligerent nation.* Those rights are 'seldom, if ever, enforced against individuals; because indi- 'viduals hardly ever make war but as part of an aggregate mass. 'But I think the case of B. is sufficiently distinguished from 'all other cases to warrant the application of a more rigorous 'principle, if the principle be in itself a correct and just one.'

"This reasoning treats B. as an individual of the *French nation, at war with us* — that individual an enemy to us (in common with the nation), whom we may, upon general principle, exclude from the benefit of a treaty of peace when we make it with the nation, continuing him, as far as we think fit so to do, an *individual enemy:* — and that individual to be considered also as in a more especial manner at war with us, than individuals of belligerent nations usually are. This seems the result of what he says,

"In your letter, * * * * * *

after stating (what I take not to be quite correct), that we accepted his (Bonaparte's) surrender, not telling him that we did not accept it on his own terms — (because I take the fact to be that he *was expressly told,* that, though he was received on board, he must be disposed of in any *way this government* thought *proper,* and if so the question will then be whether this government can *properly* think that it will imprison him for life), — you proceed to say that we had a right to give him up to his own government (I suppose by that you mean France) if he was made to understand so before his surrender. If it be true that he was expressly told before his surrender that he was to be disposed of as *this* government thought proper, I apprehend in that case he must be considered as having been told, that if this government thought proper to deliver him up to France as his own government, he might be so delivered up — because the reserved right of disposing of him as *this* government *thought fit* included a right of *so* disposing of him.

"I am aware there is controversy about the fact, what he *was told,* but I go upon the *official report* of our officer.

"You then ask, if we reserved this right, have we exercised it? Can we, under that reservation, shut him up for life? Are *we* capacitated so to do, to whom he is no *subject* —

whom he is amenable only as a *prisoner of war*, if he is in fact *accepted* as *such?* To us, you observe he can be no more. His being a rebel *to his native sovereign* can give *us* no positive or active right over him. His breach of treaties can't be alleged against him, if *we contend that he is a subject of France* — for *that*, he is answerable to France only. His sovereign, and not himself, is answerable to foreign Governments, you say, for breaches of treaties committed by a subject.

"You then state what you understand Lord E.'s notion to be. I have given it you in his own words. And you then ask, Has our Government done, what he (Lord Ellenborough) supposes may be done, by any *declaration to that effect?* Can it do it otherwise than by public and formal notice? If it could, this must be by the internal constitution of *this* kingdom, as you conceive, taking it to be the clear *general* rule of the law of nations, that peace with the sovereign of a state is peace with all its subjects. Subjects cannot be at war, you say, and the sovereign at peace; they may be in rebellion, you add, and an ally may assist in subduing them, but they are not in legitimate foreign war.

"I repeat all that Lord E. and you have said, because otherwise I have no chance of making observations intelligible. I add, there can be no doubt that Bills of Indemnity, though they may protect us, can't settle this question of national justice, and that imprisoning B. for life by Act of Parliament is not like so imprisoning a subject of our own: you, as well as Lord E., treat him as a *subject of France*, or at least you state your doctrine, with respect to him, to be such as you state it, if he is to be considered, or if *we contend* him to be, a subject of France, or a rebel to his sovereign as such. And indeed all that has been said about a king, by treaty, and a part of his subjects, being at peace, and others of them, or some individuals of them, being excluded the benefit of that treaty — about peace with the sovereign being peace with all its subjects by the law of nations — about the doctrine that subjects can't be at war, if the sovereign is at peace — that the subject may be in rebellion but not in foreign legitimate war — does not apply to the case of Bonaparte, or at least does not surround that case, unless Bonaparte is a subject of

France and we are at war with France, or Bonaparte is a subject of France, a French rebel, against whom we are assisting his sovereign as his allies. And quære, whether these views of the case surround the whole circumstances of it?

"We either are at war with France, or we are not at war with France. If we are at war with France, it rather strikes me, that *as yet* we have done nothing of a dubious character, if my notions as to matter of fact be accurate, taking B. to be a subject of France. If we are not at war with France, and B. is a subject of France and a rebel, and we are assisting France as her ally against the rebel, I think, rather think, that nothing has *yet* been done of a dubious character, if my notions of matter of fact are accurate.

"Parliament has passed acts, in which it has already recognised that we are at war; but I should rather say at war with Bonaparte and his adherents, than with France. In what character at war with him and his adherents, — whether with him as a *subject* of France, and especially as he was himself a sovereign *de facto* when that war, so acknowledged by Parliament, begun, — Parliament has left in a very doubtful and ambiguous state. But that war (whatever be its character as to B.), which Parliament has declared to exist, has been yet put an end to by *no treaty* whatever. No question, therefore, seems to me to arise out of any fact which has *yet* taken place, as to the right to exclude him from a state of peace by any treaty with his sovereign or his government, supposing him to be a subject *or* a rebel: and if he is neither, still no treaty, restoring him to a state of peace, is made. Upon the present state of circumstances, then, is not the present question this, — Whether, if we have a right to treat him as a prisoner of war, as we have to treat any person taken at Waterloo or surrendering there as a prisoner of war, it can possibly be inconsistent with justice or the law of nations, that, *till* some peace is made by treaty with some person considered as his sovereign, or *till* some peace is made *with him*, we keep him imprisoned in some part of our K[illegible] dominions? I presume, if we can keep him as a *prisoner of war* for a moment, we can keep him until some peace is made, with him, or including him. None *is* made *with* him, if any is *to be* made *with* him. If he has a sovereign and

belongs to a government, — to France and the King of France, — we have been assisting France as her ally, in that view of the case, against a rebel, and France is in a state continuing to receive that assistance from us. The law officers, King's Advocate, Attorney, and Solicitor, have considered him as a prisoner of war, — on what grounds I know not, — but the ground of fact which I proceed upon is, that the official report of the officer to whom he surrendered, — though the fact will be loudly and bitterly disputed, is the document to prove the terms upon which he surrendered — and taking that to be so, he surrendered to be disposed of as this government should think proper to deal with him, — to be disposed of, therefore, as this government should think proper, if it thought proper to treat him as a prisoner of war until a peace was made with him or including him, — and, as it seems to me, if it thought proper to determine, that, *until such time,* he should be continued a prisoner of war, unless by the joint compact of all the Allies he should be sooner released, — it had a right so to determine.

"It is certainly a different question, if a peace shall be made with any sovereign whose subject he can be said to be, — whether, by compact, notified or not notified, he can be excluded from the benefit of that peace. If we have been at war with France and he is a subject of France, whether he can be excluded if we make peace with France? If we have not been at war *with France* (and have we been at war *with France?* I doubt it), then whether we, by treaty with France, can maintain that WE can consistently with the law of nations treat him, when France can no longer crave our aid against him as *a rebel, considered by her as her subject,* confine him for life? — *we* and the *Allies* can confine him so? — for it's right to notice that the question is not whether *France,* (supposing the king's government *in France* unsafe, unless this fellow is in imprisonment,) shall take upon itself to punish and imprison him — but whether *we* and the *Allies* shall take upon ourselves and them so to imprison him.

"But is there not a further question in this case, viz. whether adverting to the real nature of this case, Bonaparte *is to be considered,* with reference to this great point of his imprison-

ment after peace, as a subject of France, — an enemy during war, supposing we have been at war with France, — or as a subject of France, a rebel, supposing we have not been at war with France, but have been assisting France as an ally — and whether, in fact and in truth, there does not result some particular and especial consideration to be attended to, from the fact that the war has been against Bonaparte and his adherents, and not against France generally, by G. B.; and the Allies carefully avoiding to pledge themselves as allies to the Bourbons, but professing, whatever their wishes might be, to leave France to choose its own government, though determined to destroy the attempts of Bonaparte (who had abdicated the government of France, and became Emperor of another dominion) to resume by force that of France? Has there been war with *France* as FRANCE? I think not. We have moreover never professed to be the allies of the *Bourbons* in this war. We have carefully avoided that. We have not been interposing to assist *France* as an *ally*, against a rebel. But what we have been doing, *ex professo*, be it right or wrong, has been (and Parliament has sanctioned it over and over again) — has been by force to compel France, whatever government she might think proper to choose, not to have Bonaparte's government. Not denying the general right of France to choose her own governors, we have acted upon the notion that such has been, the conduct of Bonaparte, that we are justified by the law of nations in using force to prevent *his* being the Governor of France — that, to defeat his attempt to become such, we have made *war upon him and his* adherents — not as French enemies — *not as French rebels* — but as *enemies to us and the Allies* when France was no *enemy to us* — that in this war with him, he has become a *prisoner of war*, with whom *we can make no peace*, because *we can* have no safety but *in his imprisonment* — no peace with him, or which includes him. Is he a subject of France? When, in 1814, he, by formal treaty, abdicated the government of France and became Emperor of Elba, as Emperor of Elba to receive from France a large annual sum by treaty, to which France became in a sense a party, did he thenceforth remain a subject of France? did he thenceforth own any allegiance to Louis XVIII.? I

incline to think he did not. We have heard a great deal about delivering him up to his king, to the government of which he was a subject, to be tried. But is it not matter of well-founded doubt whether he *could* be tried as a *rebel?* He made no treaty with France as its subject: the treaty he made, and the treaty accepted from him, was a treaty made by him, and accepted from him, as an *abdicating sovereign* of France. Did his abdication of the sovereignty, by the treaty or treaties he made, restore or remit him to his character of subject to France, when the very same treaty clothes him with the character of Emperor of Elba, with imperial dignity and imperial revenues? Have the Allies ever, in any document since his attempt to gain the sovereignty of France, treated him as a subject of France, or as a rebel to France, or done any act of the character of an act of an ally of Louis XVIII. struggling against a rebel? They have indeed considered him as out of the pale of the law of nations, as the *Hostis humani generis,* as an outlaw (without knowing very well what they mean by that word), as a robber and freebooter, who might be put out of the world; but they have never formally pledged themselves even to support Louis XVIII. as King of France, or as Bonaparte's king. Vattel certainly has passages (*here* * I can't refer to them) in which he considers, very much in the same way as the Allies did, a fellow whom no treaty could bind, and who respects none that he enters into. If Bonaparte can be separated from France, and can be considered neither as a subject of France nor a French rebel, then he has been subdued in legitimate war against *him*;— and if so, I presume that we have a right to consider him as and to treat him as a prisoner of war (if we have not dealt with him on other terms) as long as we please, if we do not please so to consider him (after we have subdued him) longer than necessity (contemplating the dangers of letting him loose) will justify.

"But, if he is a subject of France and a rebel to the French king, and we are assisting the French king against that rebel, and admitting the general rules of the law of nations to be such as you state, is there no exception in the nature of

* Probably written from Encombe.

things? This exception, to be sure, must not be founded upon pretence — false pretence, or light pretence — but upon such a view (of things as they actually exist) as is just, conformable to right."

The sequel is wanting. The loss of it is, however, the less to be regretted, because the argument for the detention of the prisoner of war as an independent belligerent seems quite conclusive upon general principle, without recurring to the extreme resource, indicated in the last paragraph, of a special exception. There can be no more remarkable evidence of Lord Eldon's extraordinary powers, than that he should have been able, out of a mass of perplexities which had baffled such men as Lord Ellenborough, Sir William Grant, and Sir William Scott, thus to deduce a solid, comprehensive, and conclusive judgment of his own, — reconciling the multifarious and wide-spread difficulties of the law of nations, and setting the sanction of justice to the tranquillity of the world.

CHAPTER XXXVIII.

1816.

DEBATE ON DETENTION OF BONAPARTE. — LETTER FROM THE QUEEN. — DEBATES: REVISION OF STATUTE-LAW: ALIEN BILL: CATHOLIC QUESTION. — ROYAL MARRIAGES: ANECDOTE OF LORD ELLENBOROUGH: FORMS OBSERVED ON MARRIAGES OF PRINCESSES OF BLOOD-ROYAL. — LETTER FROM LORD ELLENBOROUGH TO LORD ELDON. — LETTER OF LORD ELDON ON THE ESSENTIALS OF EDUCATION FOR HIS GRANDSON.

THE Parliamentary Session of 1816 was opened on the 1st of February, when, in consequence of the Regent's indisposition, his speech was read by the Lord Chancellor.

On the 8th of April a debate arose upon the bill (56 Geo. 3. c. 22.) for the detention of Bonaparte.

Lord Holland proposed to ask the opinion of the Judges upon several points, relating to the character in which that person stood and the right of detaining him as a prisoner.

Lord Lauderdale supported the proposal, ridiculing the notion which he imputed to the Ministers, that "there was some thing preternatural in the influence of this man," and making light of the danger to be apprehended from him.

(There appears to have been some reference in the debate to the principles of the Whig Ministry, by whom the country was governed in the year 1806.)

The Lord Chancellor said he would not argue about the mischief to be apprehended from Bonaparte, or the wisdom of the year 1806, though he might perhaps think that that year

had been nearly as mischievous to this country as Bonaparte himself; but he would say that there was no good reason for consulting the Judges, because, whatever were their answers, he should equally regard this bill as necessary.

The confidence of her Majesty in the Chancellor continued unabated:

Queen Charlotte to Lord Eldon.

"Queen's House, May 21st, 1816.

"The Queen is very sorry that her visit to Windsor prevented her acknowledging the receipt of the Lord Chancellor's letter until this morning. The Queen agrees with the Lord Chancellor, that Mr. Serjeant Vaughan should succeed Mr. Hardinge as her Attorney-General, and leaves the filling up the office of Solicitor-General to the choice of the Lord Chancellor, who has at all times been so obliging as to settle it for her: and on this, as well as on many other occasions she has experienced, she has ever found it both a pleasure and a satisfaction to abide by his decision.

"Whenever the Lord Chancellor has settled it to his mind, the Lord Morton shall have the Queen's orders to present both gentlemen. CHARLOTTE."

Lord Stanhope, on the 3rd of May, had moved that the House of Lords should resolve itself into Committee, for the purpose of considering the best means of arranging the statute law.

The Lord Chancellor, though he did not anticipate from such a revision all the benefits which Lord Stanhope thought it might lead to, yet was of opinion that some good might be done, and moved as an amendment, that the matter should be referred to a Select Committee.

It is hence apparent, that Lord Eldon, with all his caution on the subject of legal reform, was friendly to the great principle of consolidation, at least as far as the statute-law was concerned. He afterwards caused

that principle to be practically applied in the instance of the statutes relating to bankruptcy, which, under his auspices, were consolidated by the Honourable R. H. Eden, afterwards Lord Henley, into one act, the 6th Geo. 4. c. 16.

The Alien Bill (56 Geo. 3. c. 86.) provoked some debate on the 11th and 18th of June. On both occasions,

The Chancellor justified the measure, deeming it his duty, he said, to state his decided opinion, that the Crown had, at common law, the prerogative of sending aliens out of the country, and that this bill was only necessary in order to give the proper facilities for the exercise of that prerogative.

The Catholic question was brought before the House of Lords on the 21st, by a motion of Lord Donoughmore, that their Lordships would pass a resolution to take the disabling statutes into their consideration early in the next Session.

Lord Eldon expressed his opinion, that it would be dangerous and inexpedient to give any pledge upon a subject so important, especially as every thing that was necessary could be done without any pledge at all. He would not then enter into the general merits of the question, but he was at a loss to understand how it happened, year after year, that this great subject was never brought forward till near the close of the Session, when, according to the very advocates of the relief, it was too late to take any steps in the matter.

On a division, the resolution was negatived by only 73 against 69.

The Session was closed on the 2nd of July, by the Prince Regent in person. Before the prorogation, the Government had obtained an invaluable reinforcement, in the return of Mr. Canning to the Cabinet.

He joined their councils in the month of June, succeeding Lord Buckinghamshire as President of the Board of Control.

The Lord Chancellor was present with the other members of the Cabinet at the celebration of the Princess Charlotte's marriage with Prince Leopold, on the 2nd of May. The ceremony was performed at Carlton House, between nine and ten in the evening.

Another royal wedding, attended by the Chancellor, that of the Princess Mary with the Duke of Gloucester, which took place on the evening of the 22nd of July, is noted in the Anecdote Book, with the following circumstances: —

" Whilst the ceremony was proceeding, some persons in the room, which was extremely crowded, holding conversation together, which was so loud as to be disturbing, Lord Ellenborough, Chief Justice, — perhaps also forgetting, as well as those noisy talkers, where he was, — rather disturbed the ceremony, by stating very audibly, ' Do not make a noise in that ' corner of the room, — if you do, you shall be married ' yourselves ! ' "

Lord Eldon gives further particulars of this wedding, in a letter to his daughter Frances: —

" July 25th, 1816.

" Mamma (Lady Eldon) went through her part of the wedding ceremony capitally well; but dear Princess Mary's behaviour was so interesting and affecting, that every body was affected. Even the tears trickled down *my* cheeks; and, as to Mamma, she cried all night, and nine-tenth parts of the next day, so that, do you see, your wedding is a mighty merry affair.

* * * * * *

" After I left Court yesterday, Mamma and I called upon the Queen, upon the Duke and Duchess of Gloucester,

and Princess Sophia of Gloucester. True politeness is our own!" *

Lord Eldon used to relate, that Queen Charlotte accused him of "flirting with her daughter Mary;" but that he assured her Majesty, "that she need not be alarmed, that he was neither a King, nor a Prince, nor an Emperor; and, moreover, that he had a wife already."

The wish of retirement, which the Chancellor had for some time cherished, appears to have been increased by an illness which befel him at Encombe, in the latter part of September. It was an attack of spasms in the stomach, threatening inflammation, and giving great alarm to his family. He was treated, however, with skill and success by the late Mr. Staines of Wareham, and, in little more than three weeks, was completely restored to health. While his recovery was in progress, his growing disposition to secede was thus combated by Lord Ellenborough: —

* Among Lord Eldon's papers is the following memorandum of the

Forms usually observed on the Marriage of any of the Princesses of the Blood-Royal, since the passing of the Marriage Act.

1. Letter from the intended bridegroom soliciting the Sovereign's consent.

2. The answer of approval thereto from the Sovereign.

3. Draft of commission, authorising the persons therein named to treat of and concerning the marriage contract, or settlements.

4. Order in Council, approving of the said draft, and giving directions to one of H. M. Secretaries of State to prepare the same for passing the Great Seal.

5. Warrant for affixing the Great Seal to the Commission.

6. Instrument of Royal consent to the marriage.

7. Warrant for affixing the Great Seal thereto.

8. Declaration in Council of the Royal consent.

9. Order in Council to enter the same in the books of the Privy Council.

Lord Ellenborough to Lord Eldon. — (Extract.)

"My dear Lord, "Roehampton, Oct. 12th, 1816.

"I eagerly seize the hope of your Lordship's early convalescence, which was excited in my mind by your Lordship's letter received yesterday; though you express yourself less sanguinely on the subject than I could have wished. The languor of retiring disease is often as painfully distressing, as the malady itself in its utmost violence had been. Allow yourself, my dear Lord, to think at present of nothing but the *business* of *recovery*—and only of any *other* business, when *that* is accomplished. I only venture, with great earnestness and sincerity, but with great humility also, to deprecate any *resolutions* you may be disposed to form at the present moment. When you shall have recovered the tone of your nerves and spirits (which I hope to God you soon will), *then* look round you, and, having weighed all circumstances, both as they respect the public and yourself, decide upon the measure which it may be most wise and expedient to adopt. We all owe our utmost usefulness to our country: your Lordship has means of usefulness, which no other person possesses in an equal degree. It might look like flattery if I went into particulars on this subject; but, in a word, the *law* and the *state* peremptorily forbid you to retire (and most especially the latter), at the present moment. This is not, I assure your Lordship, the language of a mere partial friend, but it is the sentiment, I believe, of all Westminster Hall (which can afford to endure no more losses than it has within a short period sustained)—it is the language and feeling of your colleagues in government, and would be that of the best informed and disposed members of the community at large, if they were consulted upon the subject. I am afraid your Lordship will think I have trespassed upon you too long on this topic—but it is too painfully near my heart. *Si tu deseris, nos periimus.*"*

The young heir of Lord Eldon's honours was now eleven years old, and his education became a subject

* "Si deseris tu, periimus. — TER. *Adelph.* act 3, sc. 5, l. 12.

of increasing interest with his grandfather. The following letter to Mrs. Farrer shows the Chancellor's habitual preference of the solid to the showy, and of moral excellence to mere intellectual distinction: —

Lord Eldon to Mrs. Farrer.—(Extract.)

(Not dated; but written 18th or 19th Jan. 1817.)

... "I have, and can have, no object with respect to dear John, save to have him educated with all the feelings which, if he was my son, I should wish him to be actuated by, as, unquestionably, on the other hand, I regard him with all the affection of a father. With a just anxiety for his advancement in learning, as to which, indeed, my estimate of his talents, founded upon attentive observation, leaves me little reason to think will be other than very considerable, I feel an extreme anxiety that his heart should be as well cultivated as his mind, and that he should be, as I have also great reason to hope that he will be, distinguished by all those qualities which constitute a good and excellent man. E."

CHAPTER XXXIX.

1817.

POLITICAL DISTURBANCES: PREVENTIVE MEASURES INTRODUCED INTO PARLIAMENT: DEBATE ON SEDITIOUS MEETINGS' BILL. — LETTERS, FROM PRINCE REGENT TO LORD ELDON, AND FROM LORD ELDON TO SIR W. KNIGHTON. — REPRESENTATION OF THE UNIVERSITY OF OXFORD. — DEBATES ON LORD SIDMOUTH'S CIRCULAR RESPECTING ARREST FOR LIBEL. — VISITATION OF STATE-PRISONERS. — SUSPENSION OF HABEAS CORPUS. — TENURE OF TWO OFFICES TOGETHER. — MARRIAGE OF LORD ELDON'S ELDEST DAUGHTER. — CONFINEMENT AND DEATH OF PRINCESS CHARLOTTE. — RETIREMENT OF SIR W. GRANT: SIR THOMAS PLUMER APPOINTED TO BE MASTER OF THE ROLLS: AND MR. LEACH TO BE VICE-CHANCELLOR.

THE transition from a long and active war to profound peace had produced a disquieting change in society. The latter part of the year 1816 had been marked by some alarming symptoms, and particularly by seditious combinations and tumultuous meetings in the neighbourhood of the metropolis and in the northern counties. Parliament was called together on the 28th of January 1817, and on the 3rd of February the Prince Regent called the attention of both Houses, by a message, to the dangerous state of the country. Bills were passed * for suspending the Habeas Corpus, for obviating attempts to seduce the forces, for preventing seditious meetings, and for making perpetual certain parts of the statute 36 Geo. 3. c. 7. (respecting treason-

* 57 Geo. 3. ch. 3, and 55, 7, 19, and 6.

able attempts,) which was originally prepared by Lord Eldon when Attorney-General in 1796. Of these measures, the bill against seditious meetings was the most keenly contested. The Lord Chancellor defended its details in the Committee on the 21st and 24th of March, and vindicated its principle against the opposition made to it in its last stage on the 25th. The attack had been led by Lord Erskine, who, in illustration of the proposition that it is the nature of everything which is free to be occasionally irregular, had somewhat fancifully said, —

If the authors of this bill had the government of the seasons, they would no doubt set about a reformation upon their own system, and the elements of fire, water, and air, would no longer have their immemorial liberties, but would be put under such politic restraints as we are now about to lay upon the civil world. To *Fire* they would say, "You are an excellent servant, most beneficial when under due discipline and control, but most dangerous when left unrestrained. You may, therefore, continue to blaze in our kitchen and in our chambers, but you shall no longer descend from heaven with electric flashes, destroying our persons and property, and striking even the spires of our churches with sacrilegious violence." To *Water* they would say, "We are delighted with your smooth surface upon our calm transparent lakes, and with your ripplings in our summer streams, but you must no longer come down from the hills in winter torrents, sweeping away our flocks and their masters." To *Air* they would say, "Be free as air; it is even a proverb, and we will support it; continue therefore to be free as air, at least in our improved sense of freedom. But not more than fifty clouds shall in future come together, without an order from seven farmers or graziers; and if you shall presume to blight our fruit trees or destroy our harvests, you shall be driven back to your caverns by a single justice of the peace." *

* See sect. 5. of 57 Geo. 3. c. 19.

The Lord Chancellor answered this part of Lord Erskine's speech in his own peculiar vein of pleasantry.

For his own part, as a member of that assembly, he wished the elements were subject to the sort of jurisdiction suggested by his Noble and Learned Friend. For instance, a fire was kept in that house, which, whether or not it operated on the constitution of the country, certainly often operated on his constitution and that of others, in no very favourable way; and if they could restrain the mischievous effects of that fire by a clause in an Act of Parliament, their Lordships would do a great deal of good to themselves. So with respect to air, it was a great misfortune that it was not a British subject within their Lordships' jurisdiction; for then, out of regard to a most respectable friend of his now present, the clerk at the table, who found himself so ill at ease when the windows were open, he was sure their Lordships would be very glad to put air under some regulation, and to leave no parliamentary means untried of shutting out the intruder. As to water, he believed neither their Lordships in general, nor his Noble and Learned Friend in particular, had much to do with it. But he really could not believe that his Noble and Learned Friend was very serious in his opposition to the bill, when he considered that so great a portion of his speech was made up of long quotations from the philosophical theories of Mr. Burke, and these observations about fire, air, and water. If this bill were, in his own judgment, likely to prejudice the principles of the subjects' liberty, — if he thought that in his vote of that night he was endangering those laws which long experience had taught him were more beneficial to the subjects of this country than the laws of any other state were to its subjects, he should never enjoy another moment's ease of mind; for he admitted to its fullest extent the proposition, that it was their Lordships' most sacred duty never to suspend the securities of the subject's liberty, except under a necessity the most urgent. It was because he wished not merely to preserve the Constitution for a season, but to hand it down to posterity as it had been transmitted from preceding times, that he now supported these measures. Parliament must have the fortitude to suspend liberty for a time, that liberty might be

enjoyed for ever. It had been asserted that the already existing laws, if duly executed, were sufficient for the preservation of tranquillity. Whether they had been duly executed or not he would not now inquire; but when he cast his eyes abroad, he certainly saw mischiefs quite sufficient to make additional protection necessary. He had himself, when Attorney-General, proceeded extensively under the existing law, against the libels which then inundated the country. No law officer, he believed, had ever instituted so many prosecutions for libel; yet this exercise of the existing law had not sufficed to put down the mischief, much as he had been personally abused for the extent to which he had carried that enforcement. Personal abuse, however, he did not heed, when levelled against him for the discharge of what he considered to be his duty. He had never in the course of his life sought either to promote or repress the circulation of any publication concerning himself; he cared not twopence for one of them; but libels that affected the Constitution and the Government were of a different description, and he should be glad to be shown how, at a time like the present, the most active prosecution of them could counteract the evils that menaced the State. The existing law was no more capable of restraining the spirit of libel, than of controlling the fire, air, and water, of which the Noble Lord had spoken. But it was said the people ought to be conciliated. Generally speaking that doctrine was good; but how were they to conciliate those who asked for nothing less than the destruction of the Constitution? How were persons to be conciliated who declared they would not be satisfied unless they obtained what it was the duty of Parliament not to give? Their Lordships must, therefore, in considering every point, always come back to this question, whether the state of the times were such as to require the measures recommended for adoption by his Majesty's Government? In deciding this question they must have regard to other circumstances than the order and decorum which might be attributed to certain meetings. He was old enough to recollect the dreadful riots of 1780; and if he were asked what was the most orderly public meeting he ever saw in his life, he should answer, that which assembled to meet Lord George Gordon. Nothing could

have been more regular and orderly than that meeting was in the morning; and yet its consequences were, in the evening, to set London in flames. If their Lordships thought it better to punish than to prevent mischief, their opposition to this bill would be founded on a rational principle. For his part, he thought it wiser to look to prevention rather than to punishment as a remedy for the evil of which the country had to complain; and on that ground, and on the necessity of the case, arising from what he conceived to be the state of the times, he gave his support to the bill.

That the favour of the Prince Regent was at that time unabated, the three following letters abundantly prove: —

The Prince Regent to Lord Eldon.

"My dear Friend, "Brighton, Pavilion, April 2nd, 1817.

"When last I had the pleasure of seeing you, you left me not without the hope that I might possibly see you here for a day or two, your old friend Smith* having given up his house in the country: but now something has occurred and has reached me, which *presses* much upon my mind, which I am extremely desirous of imparting to you, and of having a *most confidential* conversation with you upon; wherefore I must and do most earnestly desire of you to come here the earliest day that you can *possibly* do so; and when you may find it least inconvenient either to your business or yourself.

"Always, my dear Lord,

"Your very affectionate friend,

"GEORGE P. R.

"P. S. I will be much obliged to you, if you will send me a line by return of post, to say when I may expect you."

The Prince Regent to Lord Eldon.

"Pavilion, Brighton,

"My dear Lord, "April 18th, 1817.

"I have just received your note conveying the melancholy tidings of the death of that most excellent and worthy man,

* Then Accountant-General of the Court of Chancery. See close of Chap. XXV.

Sir Ar. Thompson, and whose loss is certainly a very severe blow to the Bench, however great may be the abilities of that person who will have to succeed him in the high office which he filled with so much respectability and eminence. Any recommendation from you, you may be certain, my dear friend, ever will and must meet with my entire concurrence and approbation, and therefore I authorise you to acquaint Mr. Baron Richards, as soon as you may choose to do so, of your having received my sanction to his nomination upon the present vacancy. Believe me always,

"Very affectionately yours, . .

"GEORGE P. R."

The Prince Regent to Lord Eldon.

"My dear Friend, "Carlton House, May 2nd, 1817.

"I have only just now received your note, and which I lose not a moment in replying to. In a former answer of mine to you, upon a similar application, I already assured you, that any recommendation proceeding from you could hardly ever fail of meeting with my fullest approbation and sanction, and I am therefore particularly happy, upon this occasion also, to afford you a further proof of my highest esteem and most affectionate regard, in signifying to you my thorough acquiescence in the arrangement you have proposed, of placing Mr. Attorney-General, Sir William Garrow, in the Court of Exchequer, in succession to the present Lord Chief Baron, Sir Richard Richards. After having said thus much, I cannot resist adding one short word more, and which is this, — expressing my earnest desire and hope to you, that you will suffer as little time as possible further to elapse before you nominate the Attorney-General's successor, (which, I trust, will be our present most admirable Solicitor-General*,) and if so, *his* successor also; for I am sure that if there is much, or indeed even any, delay in these nominations, after the appointment of Sir William Garrow is known to the public, there will be no end or measurement to the plague you and I shall both of us experience from the various applications we shall receive, arising out of the numberless (and, in most instances) most extravagant and absurd pretensions

* Sir Samuel Shepherd.

of different individuals. Forgive me also, my dear friend, if I add and bring to your recollection (and I can hardly do so without its forcing at the same time a smile on my countenance), that a snail's gallop is but a bad thing, and a very poor pace at best, in most of the occurrences of life, and I am sure that you would particularly find it such in the present.

"I remain, my dear Lord, always

"Your very affectionate friend,

"GEORGE P. R.

"P. S. I shall expect to see you as usual on Sunday morning."

Lord Eldon well knew, that a subject who desires to continue in the good graces of a Royal person, must beware of making familiarity reciprocal; that the courtier must only await, not meet, the freedoms of his master. The following note from Lord Eldon to Sir W. Knighton, who was immediately about the person of the Regent, is thus prefaced in the "Law Magazine" of November 1838:—

Of the courtier-like anxiety with which he sought to consult the ease of the royal Sybarite, a curious specimen is afforded in the following letter to Sir William Knighton, who stood as near to the throne as himself in kingly favour, and by the same legitimate means. Though of humble birth and strict integrity (no safe passports at a luxurious court), they were both patterns of high-bred courtesy, scrupulously observant of all the nice etiquettes and forms in which regal pomp finds shelter, and resembling in their mild and polished gravity the manners of a Grandison, when he had donned his ruffles and embroidery. The letter is full of those official details which make the crown heavy:—

"Dear Sir William,

"Accept my best thanks for the relief to my anxiety, which your letters afford. I am very apprehensive, from your accounts, that his Majesty may not be sufficiently recovered to nominate the sheriffs on Saturday at the Council; though gout, however, sometimes abates its violence considerably in three days, and my anxious wish is that great progress may

be made in that period in recovery. I should myself have attended on Saturday, if my absence from the Court on that day had not necessarily been very inconvenient and expensive to parties. I must give you the trouble to say that I propose to take the liberty, for that is necessary, of sending by the Clerk of the Council a commissioner to receive the royal sign manual for opening Parliament on Tuesday, and should his Majesty not sign it, and direct it to be returned by the Clerk of the Council on Saturday, you will be pleased to take the most convenient time to his Majesty for tendering it for his signature, that I may be enabled on Monday night to put the great seal to it, or to put the seal to it early on Tuesday morning. Be pleased to offer my most humble duty to his Majesty, my warmest thanks for his kind expressions conveyed to me in your letters, and my assurances that I most anxiously and cordially wish his Majesty's speedy recovery.

"Yours, my dear Sir, truly,

"ELDON."

"Thursday noon.

"Pray let me know that you have received this. I am afraid I shall be obliged also to trouble his Majesty for his royal sign manual to authorise the judges to go their respective circuits; but that I shall delay as long as possible, to avoid inconvenience to his Majesty.

"Lincoln's Inn Hall, from the Bench."

In the course of the month of May it was arranged that Mr. Abbott, the Speaker of the House of Commons, should be created a Peer. The event was of some consequence, as vacating the seat for the University of Oxford, for which Mr. Abbott was then member. Mr. Canning, it was known, had looked long and anxiously to the honour of this representation; but the Chancellor, Lord Stowell, and the other leading opponents of the Roman Catholic claims, considered it an object of great importance that the representative of the University should be anti-Catholic, and their choice fell naturally upon Mr. Peel, as

the worthiest antagonist to Mr. Canning. They got the first intelligence of the completion of the arrangement for Mr. Abbott's promotion; and on the very day when that was decided, as Lord Stowell was wont to relate with some glee, they sent down an express, conveying the intelligence to some of the most influential persons at Christchurch. The communication was accompanied with such recommendations and counsels, that by the middle of the following day that great College had been effectually enlisted in Mr. Peel's cause; and when, in the afternoon, the friends of Mr. Canning began their canvass for him, they had the mortification to find the election virtually settled.

In furtherance of the legislative measures introduced by the Government for the suppression of sedition, Lord Sidmouth, as Secretary of State for the Home Department, had issued a circular letter to the lieutenants of counties, acquainting them with the opinion of the law officers that a justice of the peace may hold to bail for libel, in order that, through the lieutenants, the magistrates might be informed of the law and recommended to act upon it. On the 12th of May this letter was made the subject of a motion in the House of Lords by Earl Grey for the production of the case laid before the law officers.

He denied the proposition of law conveyed in it, and censured, as unconstitutional, the issuing of any instruction to magistrates from a Secretary of State, respecting the manner in which they should administer the law as to any particular class of offences.

The Lord Chancellor gave it as his opinion that the law had been correctly stated in the circular. He said so, subject always to his right and duty of retracting that opinion, should he be led to alter it by any argument which, in case of a

writ of error upon an action by any of the persons held to bail, might be addressed to him sitting judicially in that House. In this particular instance, there might be no evil in producing the case submitted to the law officers, because their opinion had been stated in the circular itself; but to the production of such documents in general he had the strongest objection, because the Ministers of the Crown must constantly have occasion to state, to their legal advisers, particulars which it would be highly inconvenient and improper to disclose to the public. He explained the reasons of law on which he had formed his opinion respecting a justice's authority to hold to bail for libel.

The motion was negatived by a large majority. On the 3d of June,

The Chancellor affirmed, in opposition to a motion of Lord Holland's, the right of the Secretary of State to inhibit the visiting magistrates of any prison from visiting prisoners confined there for state offences.

On the 19th,

He defended the suspension of the Habeas Corpus, expressing his opinion that the dangers of the country were greater at that time than at any of the former periods of such suspension. With respect to spies, he maintained that Government, knowing of any plot, was bound to employ such persons, if their aid was necessary for detecting and defeating it: to stimulate any such individual to go further was quite another thing.

The Session was closed on the 12th of July, by the Prince Regent in person.

Mr. Courtenay, now Earl of Devon, being appointed this summer to a Mastership in Chancery by the Lord Chancellor (in whose gift these offices lay until the remodelling of them by Lord Brougham's Act, 3 & 4 W. 4. c. 94.) asked Lord Eldon whether it would be necessary for him to resign his retainer for Queen Anne's Bounty, to which he was then the

standing Counsel. "Why, speaking as a friend," answered Lord Eldon, "I should advise you to do "no such thing: the true rule, I fancy, is to get what "you can and keep what you have."

The affair of his eldest daughter's marriage occasioned in him a displeasure which must be admitted to have been very much over-proportioned to the offence, both in degree and duration; especially when it is considered under what circumstances Mr. John Scott and Miss Surtees became husband and wife some five-and-forty years before. The following is the present Earl's account of the occurrence:—

"The Chancellor's care and vigilance in preventing elopements among the young ladies who were wards in Chancery did not protect him against a domestic visitation of a similar description. His eldest daughter, Elizabeth, after some unsuccessful attempts to obtain his consent to her marriage with Mr. George Stanley Repton, made her escape from Lord Eldon's house in Bedford Square, on the morning of the 27th of November 1817; and, the bridegroom having made all requisite preparation, they were married by licence at St. George's, Hanover Square. Although in this instance the lady had only followed the example of her father and mother, yet the head of the law would not allow the validity of his own precedent; and it was not until the year 1820 that a reconciliation took place."

The confinement of the Princess Charlotte was to take place in the beginning of November, 1817. Mrs. Forster has preserved Lord Eldon's account of its circumstances, and of its melancholy result on the 6th of that month. After relating the parti-

culars of the young Princess's elopement from Warwick House, and of his own interference to bring her home to Carlton House (as given in Chap. XXXVI.), Lord Eldon proceeded to say:—

"Afterwards she became much attached to me. "When she was to be confined, I was here at En- "combe, but went up to London to be ready to "attend her at that period. Poor thing, she was "very much charmed with this piece of kindness, as "she considered it; and when I went to Claremont, I "found she had herself given orders that the best bed "in the house was to be prepared for Lord Eldon; "and I slept in it, while some of the other Lords had "to sleep on the carpet. When her labour was over, "I saw the babe, and a noble infant it was, as like "the Royal Family as possible. I then went into "the room where the surgeons were consulting what "bulletin of the Princess they should send, and they "had actually drawn one up, stating that she was "going on as favourably as possible, when Baillie "came in, and, after reading it, he refused to sign "it, for such was not his opinion. We returned to "our homes about two o'clock in the morning, and "before six a messenger arrived to let us know the "Princess was dead."

Of the Judges presiding over any of the courts of Equitable Jurisdiction in the time of Lord Eldon's Chancellorship, the only one at all comparable to him in the administration of Equity was Sir William Grant, the Master of the Rolls, who retired in the Christmas vacation of 1817. He had not enjoyed an extensive practice at the bar; but Mr. Pitt, wisely deeming that consideration a secondary one in the case of a person

possessing such capacity and such acquirements, selected him, in 1799, for Solicitor-General. After discharging, with an unsurpassed credit, the legal as well as the parliamentary duties of his office, he was advanced, in 1801, to the dignity of Master of the Rolls. He came to the Bench without the benefit of that experience in matters of court-practice, which not unfrequently forms the main stock in trade of inferior advocates; but his care and industry soon supplied that one deficiency, and there was then nothing left to be desired. If he did not possess the almost intuitive perception and universal range of legal learning, by which Lord Eldon, as soon as the facts were before him, saw their whole relation and result in connection with all the law which bore upon them, yet Sir William Grant was profound in the great principles of our Equitable Jurisprudence, and had, like Lord Eldon and Lord Lyndhurst, the rare and high power of holding his mind, until the very close of all the arguments, unbiassed for or against any view of the case, or any party in it, and open to any light from whatever quarter. Availing himself of these faculties, he maintained on the Bench an almost unbroken reserve, and, except when explanation of some fact was wanting, forbore from any interruption of counsel, either by question or by observation; insomuch that, among the junior wits of the law, he bore the technical appellation of "Equity *reserved*." His closeness, however, savoured nothing of incivility, and he enjoyed, in the fullest degree, from the Bar, the respect and regard ever paid by that justly jealous body to those judges, but to those alone, who duly observe the reciprocal courte-

sies of their station. His judgments were models of judicial composition, and the Master of the Rolls had no more earnest admirer than the Lord Chancellor. Sir William Grant, for many years after his elevation to the Bench, retained his seat in the House of Commons. He spoke there seldom, but always with great impression, from the vigorous plainness of his style, and that great faculty of giving effect to argument, which was aptly termed in him "the genius of common sense."

Sir Thomas Plumer, who, by good sense and great application, had done much to justify, *ex post facto*, his appointment to the Vice-Chancellorship, was now promoted to the Rolls; and Mr. Leach, then a considerable leader in the Court of Chancery, received the honour of knighthood, and succeeded to the office of Vice-Chancellor.

This last appointment was one with which Lord Eldon had little or nothing to do. Sir John Leach, who was Chancellor of the Duchy of Cornwall, appears to have obtained his promotion to the Equity Bench on the distinct nomination of the Prince Regent, and to have held himself accordingly free from all obligation for it to Lord Eldon. He continued Vice-Chancellor until 1827: and then Mr. Canning, on arriving at the head of the Government, made him successor to Sir J. Copley at the Rolls, where he remained till his death in 1834.

This judge had a great desire to unite, with the distinction which he had earned as a man of talents, the reputation also of a man of *ton*. Having mixed but little in his early days with the higher classes of society, for whose conversation, indeed, neither his

original education nor his subsequent acquirements had very well adapted him, he made the mistake of supposing that a gentleman ought to have something artificial in demeanour and delivery; and thus he contracted an affectation of manner, in which levity and primness were somewhat fantastically blended. The Prince of Wales, always a nice observer upon taste and manners, was particularly diverted with this foible in a man of Sir John Leach's station and abilities. The anecdote book relates the following story: —

"It has long been the habit to give the Chancellor, carrying his purse, the nick-name of Bags. When Sir John Leach was Chancellor to the Prince, he also had a purse; and the Prince said, as Sir John was not so rough in his manners as a King's Chancellor usually was, but a much more polite person, he should call him 'Reticule.'"

Some of his talents were extraordinary, and had gained him a just distinction in Parliament as well as at the bar. He delivered himself with great clearness and neatness of expression, and his decrees showed an extensive knowledge of the practice of his Court. He, however, trusted too much to his quickness, and sometimes suffered it to hurry him from his propriety. From the readiness with which he apprehended facts, the most numerous and complicated, he fancied that the same rapid glance had made him master of all their legal bearings too. The consequence was, that, jumping to his conclusions, he often heard with impatience the arguments at the bar, and, when points were pertinaciously pressed, was not always courteous to Counsel. If he would have suffered himself to

suppose it possible that any conception of his own could be mistaken, he might have held a high place among the judges of our Courts of Equity; but, from his haste to dispose of the causes before him by breaking them down prematurely, his decisions have failed to obtain the full praise which perhaps they intrinsically deserve.

Though his address was not agreeable, his disposition was friendly; and, in spite of some littlenesses, he was a high-spirited and firm man. There were no misgivings, no qualms in his courage; and severe afflictions of bodily disease, which more than once required the application of the knife, were borne by him with unflinching fortitude.

CHAPTER XL.

1818.

LETTER FROM THE PRINCE REGENT TO LORD ELDON UPON THE CONDUCT OF THE PRINCESS OF WALES. — LETTER FROM LORD ELDON TO SIR WILLIAM SCOTT, ON HIS OWN POSITION AND PROSPECTS. — INDEMNITY BILL.—LIBERALITY OF LORD ELDON. — DEBATES ON REGENCY ACT AMENDMENT, — COTTON FACTORIES, — EDUCATIONAL CHARITIES, — ARREST FOR LIBEL. — DISSOLUTION OF PARLIAMENT. — NEWCASTLE ELECTION: LETTER FROM LORD ELDON. — ROYAL MARRIAGES: LETTER FROM LORD LIVERPOOL. — RESIGNATION AND LETTER OF LORD ELLENBOROUGH: APPOINTMENT OF SUCCESSOR: QUESTION OF PEERAGE. — DEATH OF SIR SAMUEL ROMILLY: OF QUEEN CHARLOTTE. — ACCESSION OF THE DUKE OF WELLINGTON TO THE CABINET.

THE Prince Regent, though he had viewed some passages in the conduct of the Princess Charlotte with a certain degree of dissatisfaction, felt the shock of her death severely. It is one of the circumstances referred to in the letter, of which an extract follows:—

The Prince Regent to Lord Chancellor Eldon.

"Pavilion, Brighton,
"Jan. 1st, 1818.

"My dear Friend,

"It must always be a mortifying as well as painful circumstance to me, whenever I am deprived the pleasure of your society; but when I learn the reason of such privation, that it is to be attributed to bodily indisposition, arising entirely from distress of mind, it is then truly that I do tenfold regret the absence of my friend, and that I do feel more deeply for him than I can find words to express. Perhaps, (and in addition to what I have just written,) there never was

a moment, when (and in which also from private and personal reasons towards myself) I not only could have regretted and lamented your absence more or so much as that late one (but when I at the same time am sensible that you could not possibly come to me); — for you cannot fail to know how much I depend upon you at all times, and how firmly I rely upon your support and affection in whatever can concern my tranquillity, my happiness, and my honour."

The letter proceeds to explain, that the Regent was desirous of conferring with the Chancellor upon the steps to be taken with reference to the conduct of the Princess of Wales, who is therein described as having given by her behaviour much scandal on the Continent, and especially at Vienna where the Court had refused to receive her. The letter then continues thus: —

"You cannot, therefore, be surprised (much difficulty in point of delicacy being now set aside in my mind by the late melancholy event which has taken place in my family) if I therefore turn my whole thoughts to the endeavouring to extricate myself from the cruellest, as well as the most unjust predicament, that ever even the lowest individual, much more a Prince, ever was placed in by unshackling myself from a woman who," &c. &c.

* * * * * *

"Is it, then, my dear friend, to be tolerated that * * * * * * is to be suffered to continue to bear my name, to belong to me and to the country, and that *that* country, the first in all the world, and myself its sovereign, are to be expected to submit silently to a degradation, under which no upright and honourable mind can exist? This, then, was my main object for collecting certain of my confidential servants here.

* * * * * *

"I shall now take my leave of you, wishing you from my heart many happy returns of the season, and assuring you

that if it depended upon me alone, your happiness should never know interruption.

"I remain, my dear friend,

"Always most affectionately yours,

"Pavilion, Brighton, "GEORGE P. R.
"Jan. 1st, 1818.

"P. S. I hope that you will be able to make out my scrawl."

The result of the deliberations that succeeded this letter was the celebrated Milan commission. For a general narrative of the circumstances which attended it, and for an outline of Queen Caroline's subsequent history, the reader is referred to that part of this biography which connects itself with the year 1820.

The death of the Princess Charlotte had placed the Duke of York, as heir presumptive, in a very prominent position. He was known to entertain insuperable objections against the removal of the Roman Catholic disabilities; and his approximation to the throne brought no small addition of political strength to Lord Eldon, who was now the leading parliamentary champion of the anti-Catholic opinions. Lord Eldon himself, however, was beginning to be weary of the toils and anxieties of office. The following uneasy letter appears, from internal evidence, to have been written about this time: —

Lord Eldon to Sir William Scott.—(Extract.)

"Dear Brother, (Not dated; probably Jan. 1818.)

"Whilst *I* am ignorant of what you hear in all quarters, *you* are not the only person ignorant of it.

"A paragraph appeared in a morning paper about a week ago, which informed me of my intention to resign. This may have occasioned much of what you have heard. There are other causes, which may have contributed to the gossip of all quarters. There is a malignity, natural enough, and suffi-

ciently manifest, I think, that leads to observations not met in any manner, that a man, who has been sixteen years and upwards in possession of the Great Seal, is no longer fit to hold it; and this acquires a mighty effect, when it is seconded by a conviction in the holder's mind, sometimes betrayed (from the fatigue of what is past and the dread of what is coming) in expressions (of which you have heard more than any other person) that he has become and is becoming more and more unfit, both with respect to himself and the country, to hold it. In addition to this, the public are very well aware that, as I had no assistance from Ellenborough, and little from Redesdale, in Parliament last Session, I have none to look for in the next stormy Session, from any lawyer in the House: and how I was dealt with towards the close of the last Session in the other House, or rather how I should have been dealt with by Brougham & Co., if I had not myself personally interfered to produce something more decent towards myself, I need not mention. These things also suggest probabilities to all quarters. There are also persons who have strong interest in first making resignation probable by talk in all quarters, and so accomplishing it. Perhaps too it is pretty well known that, growing unequal to my judicial duties, I have no influence as to other matters, and this may induce many to represent resignation as probable. The truth too is, that I have long wished to resign — that I am conscious that I am unable to execute the great duties of my office as they ought to be executed, and that at my time of life, my insufficiency must daily increase and be more apparent. Sir William Grant's resignation, too early for himself, and much too early for the public, has made a sort of call for my resignation, which I certainly am conscious has been too long delayed. I am, moreover, impressed with a conviction that no presumption can warrant me in supposing that I can, even if I live through another Parliament, live through it with any credit in office; and this leads to a general notion that I should not begin it in office. I am likewise strongly impressed with a persuasion that, at my time of life, I should be thinking much oftener and more seriously of another world and its concerns, than it is possible for me to address my thoughts to them, in posses-

sion of the most laborious office in the kingdom. I add, that I wish too for a little more comfort in this world; for I feel the labours of this office to be such, and myself to be growing so unequal to them, as to feel now the necessity of refusing all invitations out of my house, that I can with any decency refuse, that I may have all my time for purposes to which I feel the whole of it to be insufficient. I have made Grant's for Tuesday next an exception to this. The newspaper paragraph has set the world in all quarters a-talking on this subject. Whatever may be my wishes on this subject, when they became fixed purpose, as such, they would have been first communicated to my wife, to you, and the Regent. In truth, till the meeting of Parliament, it would be nonsense to suffer wish to ripen into purpose. If it would have matured into purpose, it should seem as if it would be in vain. When I attended at Carlton House on Wednesday to seal the consent to a royal marriage, the Prince, led by the newspaper paragraph to the subject, held a language to me (as to his confidence that I would not, to use his expression, 'desert him,' repeating that expression often), which, I foresee, whenever the attempt is made to 'abolish' *my* 'slavery,' will make it no easy matter to effectuate it. But my time of life will compel it against all difficulties, before much longer time can pass, though the conversation to which I allude may postpone it longer than I like. If, to serve my master, I am compelled to remain somewhat longer, he must prevail upon my fellow-servants to take a little more care of my character in the House of Commons than they have hitherto done."

The Session of Parliament having been opened by Commission, on the 27th of January 1818, in a speech delivered by the Lord Chancellor on behalf of the Prince Regent, certain papers, relating to the state of the country, were delivered to the House of Lords by his Royal Highness's command, and referred to a Secret Committee of their Lordships. They reported the attempts at insurrection which had been made in the counties of Derby and Nottingham and

the West Riding of Yorkshire; the conviction of some of the offenders, and the arrest of others who had been discharged without trial; adding, that all the arrests had taken place under circumstances fully justifying them, although the evidence in some of the cases had not been sufficient to warrant the Government in going before a jury. In these circumstances it was judged expedient to apply to Parliament for a bill indemnifying those who had acted in the detention of suspected persons, and in the suppression of unlawful assemblies. Such a bill was introduced by the Duke of Montrose, but warmly opposed. Upon its second reading in the House of Lords (February 27),

The Lord Chancellor defended it, as the legitimate sequel of the last year's bill for the suspension of the Habeas Corpus, which he maintained to have been a necessary measure. Its fitness was not disproved by the fact stated in the Committee's report, that the great body of the people had proved to be sound. Were they not sound in the reign of William III.? Yet the suspension of the Habeas Corpus was passed three times during that reign, and those enactments were respectively followed by three acts of indemnity, which employed the same words as this bill. Those acts did not deny that there might be individual grounds of complaint, but admitted that there were violations of law, and went on to justify and cover them. So here, those who had acted under this suspension might have injured individuals; but it was for the public safety, and from public necessity. Then surely, upon the same principle upon which the suspension itself was necessary, it was also necessary to take away from individuals the right of complaining or prosecuting for the exercise of it. But not only were acts of indemnity passed in the days of King William — those days which were spoken of as most favourable to the liberty of the people—but also in 1715 and 1746. In those two years, too, if he recollected right, the indemnity acts employed the same terms with the

present bill. *Salus populi*, the public safety, the highest object of law, was the salutary principle of such measures. He now proceeded from 1746 to 1794. When the Suspension Act was passed in the latter year, the exclamation was, "Oh, how can you suspend the palladium of our liberties, on account of the London Corresponding Society, and a few meetings at Sheffield?" Parliament did not, however, think so lightly of the matter. The Legislature, perceiving a great portion of the lower orders of the people to have imbibed an opinion that they could do better without King, Lords, or House of Commons, rightly concluded, that such an opinion, so prevailing, was more dangerous to the existence of the state, than the temporary suspension of any law. That Act expired in 1795, and till 1798 no new suspension took place. In 1801 an indemnity bill was brought in. But, during all the intermediate period, from the expiration of the Act to the introduction of the bill, not a single person thought of bringing an action or commencing a suit. The moment, however, that the indemnity bill was proposed in 1801, then all those who were previously silent — who had made no complaint whatever — came forward with statements of their grievances. But Parliament thought an indemnity was due to those concerned in that great business, and did indemnify them. Was it then to be contended, when the history of the Constitution, at the period of the Revolution and ever since, had recognised the fitness of the proceeding in which they were now engaged, that they were to adopt a new system, and without sufficient cause to depart from that long-recognised practice? He justified the principle of a reference to secret committees on such subjects; for if inquiries of this kind were conducted publicly, those who gave information to Government would be made known and exposed to their enemies. Nor did he see any objection to the appointment of such a Committee by way of ballot: that mode of appointment had long been established, and he knew not why a different course should now be adopted, unless in compliment to those who thought that the whole constitution of Parliament ought to be changed. He then recurred to the necessity of the Suspension Act itself. It was no good argument, he observed, to say that the actual disturb-

ances had not been sufficient to justify that measure: their Lordships should consider how much of disturbance that Act had prevented. To that Act he believed that the tranquillity of the country had been chiefly owing. It had been a mild and merciful measure, preventive of miseries, not productive of them. The indemnity to those who had executed the law was indispensable, by reason that such defendants could justify themselves only by the disclosure of the evidence they had proceeded upon, but of which evidence the public interest required the concealment. He regretted thus to take away the remedies of those who had suffered, and in some cases perhaps suffered unjustly — but the safety of the country required this risk of some individual hardship. He concluded by repeating his reference to precedents, adding, that they could not be given up without consequences which would strike at the roots of the greatness and freedom of our country, which never would have been thus great and free if Parliament had not possessed the power and the wisdom occasionally to suspend its liberties.

When the bill was about to be committed, Lord Holland made some strictures upon it: in answer to which,

The Lord Chancellor explained, that he had not meant to represent this bill as founded upon precedent in *all* its provisions. The principle of the indemnity in the time of King William had been that persons having done things under the Suspension Act, which the Legislature admitted to be illegal, but deemed to be necessary for the safety of the country, were not to be put to the expense of defending themselves. The principle of the indemnity in 1801 was that the names of those who had given information ought not to be disclosed, as they must have been, had actions been brought against the persons who had acted on that information. In the present case there was another most important consideration, the protection of the magistrates who had executed the laws. When a general rising had been apprehended, it was to be expected that the arrests would be numerous: and to leave the individuals who had caused those arrests to contend with the multitude of

actions which might be instituted against them, would be to allow them to be overwhelmed and crushed with an incalculable expense.

The bill was read a third time on the 5th of March, when

The Chancellor exposed the fallacy of the doctrine that libels on the Law and Constitution ought to be left unpunished, lest the notice of them should give them greater publicity; and applauded the exertions made by the then Attorney-General, Sir S. Shepherd, to suppress the seditious and blasphemous publications of the day.

The following instance of Lord Eldon's liberality, as exercised about this time in circumstances which certainly raised not the slightest claim upon him, is given in the words of Mr. Richard White, of Essex Street, formerly a solicitor in extensive practice, from which he has now retired to enjoy in advanced years the respect due to his character, understanding, and urbanity: —

" Many years ago, I proved a debt in a suit in the Court of Chancery for a Captain in the army, who soon afterwards was sent abroad on service. He returned in 1813, and, upon inquiry at the Accountant-General's Office, it was stated that the debt had been paid under a power of attorney, granted to Mr. Edmunds, of Chancery Lane, an old and very respectable practitioner: the debt was 82*l.* 10*s.* 10*d.* Upon investigation it turned out, that the letter which I had some time before ordered to be sent to the Captain, had fallen into the hands of a needy person, of the same name and residence as the party entitled. That person sent the letter to Mr. Edmunds, desiring him (as he was too unwell to attend to receive the money)

to procure a power of attorney, to enable him (Mr. Edmunds) to receive it for him. Mr. Edmunds did so, received the debt, and paid it (after deducting the sum paid for the power of attorney) to the assumed Captain, who shortly afterwards died. — On application to the Court for the payment of this debt by the Accountant-General, the Lord Chancellor Eldon (in July 1813) intimated his opinion that the person who received the money was liable to pay it. A statement of facts was agreed upon between Mr. Edmunds and myself, and the subject came again before Lord Eldon, who said he would consider it. Frequently Lord Eldon was reminded of it; but, from that time till March 1818, no decision was made. I then wrote to his Lordship, stating the great hardship of the case — that my client had borrowed the money — was paying interest, &c. At his request I waited on him at the rising of the Court. He said he had no doubt that Mr. Edmunds was liable to pay the money; but he had known him many years — he knew him to be a most respectable man — that he was then near the latter end of his life — and that he felt so much repugnance at making an order of this nature, and in such a case, which would disturb the last days of such a man's life, that he had determined to pay the money himself. He did so, by giving me a draft on his banker for 100*l.*, the excess being to cover the interest, from the payment being so long delayed."

In May the Lord Chancellor introduced a bill for the amendment of the Regency Acts. The objects of it were to increase the number of the Queen's Council, and to dispense with the necessity of an

immediate meeting of Parliament, in case of her Majesty's death. In the course of the month there were several discussions on it, in which the Chancellor took part; but they involved no important question of principle. The bill added four members by name to the Council, and passed into law, as the 58 Geo. 3. c. 90.

The bill, of the first Sir Robert Peel, for abridging the labours of children in cotton factories, was in Committee of the House of Lords on the 19th of May, when Lord Kenyon, a warm supporter of the measure, proposed, after a speech of counsel in opposition to it, that there should be no further hearing of counsel or evidence.

The Lord Chancellor hoped he should not be suspected of hardheartedness, if he confessed himself one of those who really thought that philanthropy had not taken its right course in modern times. Varied and conflicting interests should be well balanced, before a man of discretion and honesty could pronounce a fair decision. The Legislature was not indeed here interfering inconsistently with the principle of the common law, for at common law it was an offence in masters to overwork children, and in parents to connive at such misconduct; but he did think it hard that Noble Lords should *conclude* in favour of this bill, without hearing what was to be advanced against it by those whose interests it went to dispose of.

It was agreed to continue the hearing of counsel on the following day. The supporters of the bill, however, afterwards found that the examination of witnesses was likely to occupy too much time to allow the enactment of it in that Session.

The bill for appointing Commissioners to inquire into Educational Charities was before the House of

Lords in the month of May. The Chancellor, who regarded it as being, in the shape it then bore, a vexatious measure, likely to deter men of honour and character from taking the responsibility of charitable trusts, took much pains to mitigate and amend it. It became a temporary law, as the 58 Geo. 3. c. 91., and was continued for some time longer by subsequent enactments.

Lord Erskine, on the 2d of June, moved the second reading of a bill, reciting that doubts had arisen as to the lawfulness of commitment by justices of the peace for libel before indictment found, and declaring and enacting that it should not be lawful for any justice of the peace to make such commitment. He said, at the outset of his speech, —

My noble and Learned Friend on the Woolsack, when I moved the first reading of this bill, disposed at once of the main question in a single word, by asserting that there was no such doubt upon the law as the preamble recited, although it was the principal foundation of the enacting part. My Noble and Learned Friend, with great good nature and pleasantry, frequently adverts to his supposed propensity to doubting; and I can account for that propensity more distinctly than it would be decent for him in speaking of himself. No man, I believe, who has sat in the Court where he presides, ever brought to the public service a more consummate knowledge of all its principles and practice. By nature a man of talents, from education a scholar, and bred from his very youth in the study and experience of all its possible transactions, nobody could be better qualified to decide in that forum, with the same rapidity as he did the other day *here* on the subject now before us; yet how often does he *there* pause, and *re*-pause, — consider, and re-consider, — and why? From the justest and most amiable of all motives. He even runs the risk of sometimes appearing undecided and dilatory, rather than mistake the rights of the meanest individuals, in the

most inconsiderable concerns, whose interests are in his hands. How much the rather then ought he to extend the same anxious reserve and caution to a case like the present, where the interests of the *whole people of this land* are in question, — where he has not merely to decide upon a right of *property*, — but where freedom and reputation are to be asserted and defended, where men are to be rescued from oppression and ignominy, and from a severer punishment (upon the bare suggestion of an almost undefinable offence) than in most cases would follow after a conviction and judgment. My Noble and Learned Friend ought besides to have recollected that he does not, though in this numerous assembly, pronounce only a single judgment; he must know the weight it must have with others; and we are but too apt, after having delivered an opinion, rather to combat in its support than to open the mind to impartial consideration. Yet I ought not to be afraid of this. My Noble and Learned Friend can surely well afford to say he was mistaken: it would not at all affect his reputation for learning, but would, on the contrary, exalt it.

The Chancellor resisted the bill. Before such a measure should be sanctioned, some question (he said) should be argued in the Courts below to show a necessity for the interposition of the Legislature. When the House found that since the time of Queen Anne there had been 128 cases in which the Judges of the Court of King's Bench had, as magistrates, held to bail in cases of libel, their Lordships would hardly proceed at once to declare the practice illegal.

The bill was rejected by 31 against 18.

The second reading of a bill for mitigating the capital penalty upon the offence of shop-lifting was moved on the 3d of June.

The Chancellor declared that his objection to its principle was unchanged; but professed his willingness to enter upon the subject in some future year when there should be enough of the Session remaining to give a fair opportunity for discussing it.

The motion for the second reading was then negatived.

The Session was closed by the Prince Regent in person, and contained an announcement of his intention to dissolve the Parliament forthwith. After he had delivered his speech from the throne, the Lord Chancellor, by his direction, said, — .

"My Lords and Gentlemen,

"It is the will and pleasure of his Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, that this Parliament be now dissolved; and this Parliament is dissolved accordingly."

The usual mode had been to prorogue Parliament in presence of both Houses, and to dissolve it by a subsequent proclamation. The course taken in 1818 had, however, a precedent in the dissolution of the last Parliament of Charles II., in 1681, and was followed in the dissolutions of 1826 and 1831.

The succeeding letter refers to an intention of putting Lord Eldon's son, William Henry John Scott, in nomination for Newcastle. That intention was not followed up; but at the same general election he was returned for Heytesbury, and as member for that borough he made his first entrance into Parliament.

Lord Eldon to Mrs. Forster. — (Extract.)

"Dear Mrs. Forster, "London, June 27th, 1818.

"My situation, as Speaker of the House of Lords, don't admit of my interfering, myself, much in elections; but, as that of Newcastle is over, I feel myself at liberty to say to you and Mr. Forster, that I am very sensible of the kindness of both with reference to my son. Many, many unfortunate circumstances have led to an unfortunate result; but, upon a review of what is past, I think it was impossible for William

Henry, without advice here, and without the possibility of obtaining it in due time, to act otherwise than he did. Whatever may be the circumstances that led to the result, — for the kind intentions of those who wished him well, acknowledgments and thanks are unquestionably due, and I wish to offer them to you both. To many others they are due, but my situation will not allow me to interpose myself in this matter, except as such interposition may be excused where it goes no farther than in communications to near relatives."

There being no longer any grandchild of George III. to inherit the Crown, it became an object of importance that matrimonial alliances should take place in the Royal Family, which might raise up issue for the succession; and it was with great satisfaction that, in the year 1818, the English people saw the successive marriages of three of the Royal Dukes. The first in order of time was that of the Duke of Cambridge, whose marriage with the Princess Augusta of Hesse, previously solemnised at Hesse Cassel in May, was again performed at Carlton House on the 1st of June. On the 11th of July, his late Majesty, then Duke of Clarence, was married to the Princess Adelaide of Saxe Meiningen, the present Queen Dowager, at Carlton House. And at the same time and place was repeated that auspicious marriage of the Duke of Kent with the Princess Victoria, Dowager of the Prince of Leiningen, which had been first celebrated at Cobourg in the preceding May, and of which Her present Majesty is the illustrious issue.

On each of the ceremonials at Carlton House Lord Eldon was present; and the prospect of a succession to the Crown in the family of the Duke of Cambridge became, in a few months after his Royal Highness's

marriage, the subject of the following communication: —

Lord Liverpool to Lord Eldon.

"My dear Lord, "Fife House, August 29th, 1818.

"I received the letter, of which the enclosed is an extract, when I was at some distance from London; and I was unable to answer it before the Duke of Cambridge left England, and unwilling to do so until I had had some communication with you.

"It appears to me that it can be by no means necessary, that the Duchess of Cambridge should return to England for her confinement. It would be a most severe burthen upon the Royal Family in general, to oblige them not only to come over to England to be remarried, but to be compelled to return here on every occasion of the nature referred to; and, as to the latter case, there is no law whatever upon the question.

"I think at the same time, if it can be done without inconvenience, it would be *advisable* that some British subject should be in the house at the time of the delivery, in order to insure testimony of the fact, if it should be necessary hereafter. There could be no difficulty in making an arrangement to this effect. It would be as well that it should be a person in the service of the Crown, and I conceive that one of the ministers or secretaries of legation, resident at any of the neighbouring German courts, might be directed to attend, who could be most conveniently spared at the time for the purpose.

"I shall be obliged to you if you will let me know if you concur with me in this view of the subject, as I am anxious to write to the Duke of Cambridge by one of the mails of next week.

"I trust I shall hear, at the same time, that you are already beginning to derive benefit from your retirement.

"Believe me to be, my dear Lord,

"Yours very sincerely,

"LIVERPOOL."

Lord Ellenborough, the Lord Chief Justice of England, whose resignation was announced by the

following letter, was the Lord Chancellor's senior by only two or three years, and as he had possessed an unusually robust constitution, his retirement was a serious warning to his old friend and contemporary.

"My dear Lord, "Worthing, Sept. 21st, 1818.

"The decay of many of my faculties, particularly of my eyesight, which I have painfully experienced since the beginning of the present year, strongly admonish me of the duty which I owe to the public and myself on that account; and, as I have now held the office of Chief Justice of the Court of King's Bench for more than sixteen years, viz. from the 12th day of April 1802, I am entitled under the acts of Parliament to request, which I most humbly do, the permission of his Royal Highness the Prince Regent, for leave to retire, on the first day of next term, upon that amount of pension which, by those acts of Parliament, his Royal Highness the Prince Regent is authorised to grant to a Chief Justice of the King's Bench retiring after a period of fifteen years' service. If I had been able to depend upon my strength for the due and satisfactory execution of my most important office for a longer period, I should not now have tendered my resignation to his Royal Highness. I have endeavoured to accommodate myself to the convenience of his Royal Highness and to the public in this respect, by desiring his Majesty's Ministers, about the commencement of the present year, to have it in contemplation that such an event might probably take place at no distant period. I have therefore only to carry into effect this long meditated and necessary purpose on my part, by your Lordship's official mediation and instrumentality. Sir William Grant's recent instance will supply me with a proper precedent — I will therefore trouble your Lordship for a communication of it, which I will execute accordingly, *mutatis mutandis.*

"I cannot take leave of the duties with which I have been so long conversant, or of the persons, particularly your Lordship, with whom I have been so long associated in the execution of so many of them, without the deepest concern and

regret. I take the liberty of expressing that sentiment thus generally, with an anxious wish that whatever defects may have attended my own execution of this important office may be amply supplied by the successor whom his Royal Highness the Prince Regent may appoint in my room.

"I have the honour to be, my Lord,

"Your Lordship's most faithful and obedient servant,

"ELLENBOROUGH."

"When Lord Ellenborough," says Lord Eldon, in his Anecdote Book, "resigned the office of Lord Chief Justice of the Court of King's Bench, the King, George IV., then Prince Regent, proposed to me to consult him upon the point who was the most proper person in the profession to succeed him in that great office. I humbly represented to his Majesty, that such a step was not advisable; that, if those who possessed, under the Crown, the great law offices, were to be advised with as to the question who should be their successors, a choice, which ought to be made at the time of filling the vacancy, of the best and most eminent men *at that time* in the profession, would seldom be made, and that the succession would probably, in all cases, be settled by management and intrigue between the great law officers who were to resign, and the persons who were to succeed; and the resignations would probably be made, not at a time most for the public interest to have the resignations take place, but when it would probably best suit the person to resign and the person whom he wished to succeed: that nothing of this sort was to be apprehended in the case of Lord Ellenborough and any person whom he might wish to be Chief Justice; but that, in most cases, this evil would probably happen. His Majesty acquiesced."

Lord Sidmouth to Lord Eldon. — (Extract.)

"Richmond Park, Oct. 18th, 1818.

* * * * * *

"Lord Ellenborough is anxious for the appointment of his successor.

* * * * * *

"He is painfully conscious of the sad change which the faculties of his mind have undergone; but he is calm and patient, full of kindness for his friends, and most anxious for the public interests, and particularly for those which are involved in the appointment of his successor."

Mr. Justice Abbot, one of the puisne Judges of the Court of King's Bench, afterwards Lord Tenterden, was selected to be Lord Ellenborough's successor. The considerations which led to this appointment are thus stated by the Lord Chancellor in a letter to Lord Kenyon, whose learned and able parent had been Lord Ellenborough's predecessor.

Lord Eldon to Lord Kenyon.

(Not dated:
"My dear Lord, Post-mark Nov. 14th, 1818.)

"I thank you for your letter; and, a fit of the gout preventing me from going to Westminster, I shall now make an effort, though in pain, to trouble you with a few lines. I agree with you that, generally speaking, the Chief Justice of the King's Bench should be a peer, — even if there had been no usage upon the subject. But then the state of the profession must admit of it. I have not been able to find (in that state) a person fitter for it than Abbott. Now see the effect of this. Lord Mansfield had had long practice in lucrative situations at the Bar — he was of a noble family — he was not likely to have descendants, that is issue. Your father had been, at the Bar, the most eminent lawyer of our times; he had made by his practice, independently of the law offices, a larger fortune than any professional man of his time. When called to the King's Bench, I know (I think) myself, that peerage was one object with him in accepting the office; and,

if Providence had not suffered him to live but the shortest time in the office, a peerage would have gone to his children, with ample means to support the dignity. Lord Ellenborough had likewise made some fortune, much less certainly, at the Bar; but if he had died before Mr. Way, I doubt whether the peerage *there* would have been either convenient to the family or useful to the public. As to the Common Pleas, when C. J. de Grey went out, they gave him a peerage in order to find a Chief Justiceship for Wedderburn. You see that peerage has been obliged to be helped out by office. Lord Loughborough had no children; his peerage, therefore, as Lord Loughborough, could not descend, and his office would support him during his life. What he meant, when he left the Chancellorship, by getting an unendowed earldom for his nephew, I can't pretend to say. When I came to the Common Pleas, I had made some fortune, in a successful practice at the Bar, and in the great law offices, which I held nearly twelve years. Mr. Pitt was unwilling to give me an office which would take me out of Parliament; I could not be in it unless in the House of Lords, and I can assure you, that I have often thought that, if I had survived the acceptance of the peerage but a short time, I had accepted what would have been a nuisance to my family, and no benefit to the public. Of our dear friend Lord A., can anybody now say that it was a wise measure on his part to accept a peerage? Now, as to Abbott, his practice has been behind the Bar. He never had any office, I think not a silk gown: he enters, therefore, upon the office in very moderate circumstances, with a considerable family. The permanent offices of profit in the gift of the Chief Justice, as I understand without exception, are not any of them likely to be vacant whilst he is likely to live or to hold his office, — what he can save out of the other emoluments of the office, he did not and indeed he could not think would enable him to transmit with a peerage a fully competent fortune to support it — his health is tender, and his eye-sight not in a very safe state: upon the whole, his own difficulty about taking the office was the apprehension that peerage was to go with it. He immediately determined, if it was not. As to himself, this determination appears to

me to have been quite right. If a contrary determination would, as to the public, have been right in any *other* person at the Bar, where are you to find one (in whom, in point of circumstances, it had been right with peerage) to whom this great office could have been offered? The Attorney-General, from his deafness, could take neither chiefship, — that of the King's Bench could not be offered to so young a man as the Solicitor-General. He refused that of the Common Pleas, as not yet having any fortune to leave to his family.

"Upon the whole, we endeavoured to do the best we could: we could not do what really would have been unexceptionable. It was impossible.

"God bless you, my dear Lord, and, with all affectionate wishes for you and your family,

"Believe me yours always,

"ELDON."

The sudden death of Sir S. Romilly, who, in a disorder of mind occasioned by the death of a fondly-beloved wife, put an end to his existence on the 2nd of November, was acutely felt by Lord Eldon, before whom that eminent lawyer had been for many years in daily and pre-eminent practice. The Chancellor came into Court next morning obviously much affected. As he took his seat he was struck by the sight of the vacant place within the Bar which Romilly was accustomed to occupy. His eyes filled with tears. "I cannot stay here," he exclaimed; and rising in great agitation, broke up his Court.

On the 17th of November 1818 died Queen Charlotte, the loyal and prudent consort of George III. The conclusion of the year was marked by the accession of the Duke of Wellington to the Cabinet, which he entered on the 26th of December, succeeding Lord Mulgrave as Master-General of the Ordnance.

CHAPTER XLI.

1819, 1820.

NEW PARLIAMENT. — FACTORY CHILDREN. — CUSTODY OF THE KING'S PERSON. — MOTION OF MR. M. A. TAYLOR ON THE COURT OF CHANCERY. — POSITION OF THE GOVERNMENT: LETTER FROM LORD LIVERPOOL. — CATHOLIC QUESTION. — LEGACY DECLINED. — APPEALS OF FELONY AND WAGER OF BATTLE, ABOLISHED. — LETTERS FROM LORD ELDON TO SIR WILLIAM SCOTT AND TO THE PRESENT EARL: SCHOOL RECOLLECTIONS OF THE LATTER: CORRESPONDENCE BETWEEN THE CHANCELLOR AND THE HOME-DEPARTMENT ON THE DISTURBANCES IN THE NORTH. — MESSAGE TO PARLIAMENT FROM THE PRINCE REGENT: THE SIX ACTS. DEATH OF GEORGE III.: ANECDOTES RELATED BY HIM AT DIFFERENT TIMES TO LORD ELDON.

THE Parliament elected in the preceding summer was opened on the 21st of January 1819, with a speech delivered by the Lord Chancellor on the Prince Regent's behalf. Lord Kenyon having moved, on the 25th of February, for a Committee to inquire into the condition of factory children,

The Chancellor, without opposing the motion, desired to have it known that the overworking of children was an offence indictable at common law. He saw no reason why the master manufacturers and the master chimney-sweepers should be subjected to the operation of different principles from those applied in other trades. If any measure of this kind were proposed, it ought to be a law which should regulate manufactures of all descriptions.

The result of these proceedings was the statute

59 Geo. 3. c. 66., limiting the time of labour in cotton mills and factories to twelve hours for persons under sixteen years of age, and prohibiting altogether the employment of children under nine.

The death of the Queen, and the cessation of all reasonable hope of the King's recovery, had now rendered it expedient to make some new provisions respecting the Royal Household. A bill was therefore brought into Parliament by the Ministers, largely reducing the Windsor establishment, and giving the custody of the King's person to the Duke of York, with a stipend of 10,000*l.*, part of the sum saved by the reductions. A suggestion having been made by the Opposition on the 30th of March, when the bill was in committee, that this stipend should be paid from the Privy Purse,

The Chancellor contended, in reference to statutes, that the Privy Purse was as completely the private property of the King as anything belonging to any of their Lordships was private property in them. Now the private property of any subject, during mental alienation, was placed under proper care, that it might be forthcoming for his use at the return of his reason: and he would put it to their Lordships, whether the Sovereign ought to be deprived in his affliction of that which was allowed to the humblest of his subjects, the benefit of the principle which arose from a hope of his recovery? It did not follow, however, that the King's privy purse was liable, like the private property of a subject, to the maintenance of the proprietor during lunacy, the King being entitled, both in health and in sickness, to a maintenance from the nation irrespectively of his privy purse. He vindicated the allowance to the Duke of York, as necessary to the *custos* of the King's person, on the same principle on which the maintenance of the king's household was necessary — the principle of keeping up the Royal dignity, and enabling the representative of the Sovereign to support the expenses and

continue the bounties, which had ever been connected with the Royal state.

This measure, when passed into law, was the 59 Geo. 3. c. 22.

Mr. M. A. Taylor, on the 30th of March, and again on the 20th of May, renewed his efforts on the subject of delays in Chancery. The first of his motions, which was for an account of the total amount of the property of suitors in Chancery, in 1756, and every tenth year down to 1818, was agreed to.

The object of it (he said) was to show the great increase of business in the Court of Chancery, and to lay a ground for providing means by which the delays in that Court might be remedied.

In his motion of the 20th of May, which was in substance a proposal for separating the jurisdiction in bankruptcy from the Great Seal,

He eulogized the talents, wisdom, learning, and diligence of Lord Eldon, and the clearness, precision, and integrity of his judgments, but averred that the duties of the Court, as it then subsisted, were too heavy to be discharged even by those great faculties.

This change in the jurisdiction of the Great Seal was rejected by a large majority.

The new House of Commons had already shown symptoms of resistance to the Government. On the 2nd of March, Lord Castlereagh's motion of the previous question, upon Sir James Mackintosh's proposal for a Select Committee on Capital Punishment, had been defeated by a majority of nineteen. On the 3rd of May, Mr. Grattan's motion for a Committee on the Roman Catholic question, had been negatived by a ministerial majority of only two; and on the 6th of the same month, Lord Archibald Hamilton's motion

for Scotch Burgh Reform had been carried against Ministers by a majority of five.

In such a posture of affairs, a question of so much consequence as the state of the monetary system became a subject of great anxiety to Ministers. Proposals had been put forth by Mr. Ricardo and Mr. Wray, for restoring a more wholesome state of currency, by making the Bank of England liable, not to the payment in gold coin of every one of their small notes, but to the payment in bullion of any bank paper beyond a minimum to be fixed. This plan was favourably entertained by the majority of the Cabinet, who regarded it as a safe and prudent essay toward a general resumption of cash payments. It would seem, however, from the following letter of Lord Liverpool, that the Lord Chancellor did not at first concur in the opinion of the majority ; and that some suggestion had been made of avoiding the whole question, by a postponement of it for a couple of years. But, as the experiment was to be a gradual one, — requiring some months' notice before its operation could commence, and a period of two or three years more between that commencement and the completion, — a two-years' delay of the Parliamentary discussion necessary to originate it was a resort which it was clear that the country would regard as tantamount to a total abandonment of this important subject. The precise point of difference between the Chancellor and Lord Liverpool does not appear; but the letter is remarkable, as showing the view taken by a Prime Minister, *before the Reform Act*, of the Government's position under repeated discomfitures in Parliament.

Lord Liverpool to Lord Eldon.

"My dear Lord, "May 10th, 1819.

"I am much obliged to you for your note, and am only concerned to find we differ on so essential a point.

"I am sanguine enough to think that we have a reasonable chance of success, in carrying the measures which were discussed on Saturday; but whether I may turn out to be right or wrong, as to this I am quite satisfied, after long and anxious consideration, that if we cannot carry what has been proposed, it is far, far better for the country that we should cease to be the Government.

"After the defeats we have already experienced during this Session, our remaining in office is a *positive* evil. It confounds all ideas of government in the minds of men. It disgraces us *personally*, and renders us less capable every day of being of any real service to the country, either now or hereafter. If therefore things are to remain as they are, I am quite clear that there is no advantage, in any way, in our being the persons to carry on the public service.

"A strong and decisive effort can alone redeem our character and credit, and is as necessary for the country as it is for ourselves.

"As to a postponement for two years, it would be mere self-delusion, and is far more objectionable in my judgment, in every bearing, than at once renouncing all idea of setting the finances of the country right.

"Ever sincerely yours,

"LIVERPOOL."

The 24th of this month of May 1819 is memorable for having given birth to the gracious Princess who now enjoys the affectionate allegiance of the British people.

The Catholic question was discussed in the House of Lords on the 17th of May and on the 10th of June 1819. On the former of these days the motion was by Lord Donoughmore, for a Committee to in-

quire into the laws imposing disabilities on account of religious opinions.

The Lord Chancellor opposed it. He desired to know what plan the mover intended to propound if a Committee were granted, and what security the Catholics could give, which could reconcile the King's supremacy in things temporal with the Pope's supremacy in things ecclesiastical? If we were to believe the recorded history of the country from 1660 to 1688, the Roman Catholics had systematically pursued the accomplishment of their own objects and the destruction of our national Church, through every obstacle and through every difficulty; and there was no proof that any change had since occurred in their religious principles. If the House looked to the sentiments which were avowed and expressed by the Catholic church during the whole reign of Charles II. — if they looked to the hostile spirit in which it assailed the national Church for some years previous to the Revolution of 1688 — they would see the necessity of the present disqualifications, and how strongly that necessity was impressed on the mind of the whole nation. At the latter of the two periods to which he alluded, a solemn compact was made between the King and people to support the Protestant ascendency — a compact which, while it acknowledged that no man could be prosecuted on account of his religious opinions, did not secure him from pains and penalties when his religious opinions had an effect upon his political conduct. It was then resolved that this country should have a Protestant King, a Protestant Parliament, and a Protestant Government. Such was the great principle which Parliament ought always to have in view, holding in due reverence that right of all men, derived to them from God, that they should not be persecuted for religious opinions. When religious opinions were attended with political effects injurious to the society to which their professors belonged, that society had a right to exclude them from offices of trust and emolument. Under a conviction of the absolute necessity of securing a Protestant establishment to these kingdoms in order to render them free and happy, their Lordships' ancestors had

enacted that no King who was either himself a Catholic, or was married to a Catholic princess, should ever sit upon the British throne. The other disqualifying laws served only as a part of the mechanism, if he might be allowed to use such an expression, of which the Constitution was composed: it was thought advisable to prevent Roman Catholic advisers from surrounding the person of the King, lest they should taint his mind with their pernicious counsels: it was thought advisable to deny them seats in Parliament, and places in the privy council, lest they should sow dissension in the great assemblies of the nation; and, in order to provide for the fair and impartial administration of justice, it was thought advisable that the laws should not be administered by Roman Catholic Chancellors and Judges. Those regulations were, in his opinion, rendered absolutely necessary by the temper which the Roman Catholics had constantly evinced. Others, however, entertained a different opinion, and contended that, as Roman Catholics had sat in Parliament in the 32nd year of Charles II., there existed no rational objection to their sitting there at present. This was not a fair way of putting the question: the question was, whether the House, considering the events which had preceded the Revolution and those which occurred in effecting it — considering the principles which had been asserted on the union with Scotland, and which had been re-asserted on the union with Ireland — the question, he repeated it, was, whether the House would stand by that constitution which had secured the most ample personal liberty to every individual who lived under it, or whether they would recur to that constitution under which their ancestors had lived previous to those disqualifications being enacted. Every man in the state owed allegiance to the King, as the acknowledged head of the state — to speak in the old language of the law, both the "spirituality and the laity" owed him obedience. The language of the old statutes was in a similar tone; for the "spirituality" was there subject to nobody, under God, but his Majesty. Some writers had observed that when the Roman Catholic religion was the religion of the country, the country had contained men, whose valour had been the admiration of the

world, whose talents had rendered us glorious in the eyes of other nations, and whose virtues would have made them an ornament to the proudest era of either Greek or Roman story. He should be the last man in the world to contradict the truth of this statement; but he could not help asking, whether these illustrious characters, with all their prowess, virtues, and talents, did or could rescue their countrymen from the slavery in which Catholicism had immersed them? The only answer which could be given to this question was, that they *did* not — that they *could* not. Lord Hale had said, that as the oath of allegiance, the act of homage, and the oath of fealty, which were all then in existence, were not sufficient to remind men of their duty to their sovereign, which they forgot in their obedience to a religion which established another superior to him, it was found requisite by exacting that paramount oath, the oath of supremacy — to give? — no; but to bring back and restore, to the Crown, that power which had always belonged to it, but calling upon every subject to disclaim all obedience to the power of the Pope. It was said that this advantage was derived from the policy of Henry VIII.; he denied the truth of such a position, and maintained that it was owing to the old common law of the country, which in its technical phrase asserted the King's supremacy *in temporalibus ac spiritualibus.* Lord Coke, in his treatise upon the laws of Edward III., recited a statute in which the Bishop of Norwich was enjoined (and though he was specifically named, the statute was intended for all other bishops) to keep in remembrance his duty, that all his authority was derived from the common law or customs of the land, or the statutes, and that he must not forget his obedience to the Crown. That was the old principle of the law. — It was not the mere name, but the substance of the Protestant religion that he wished to preserve. Indifference to religion generally led to great temporal evils, and, if for no other reason, at least for this, ought the Protestant religion to be supported, that it would be always a barrier against oppression, and a nursing mother to liberty and freedom. Ecclesiastical usurpation generally terminated in civil tyranny. [*Loud cries of hear, hear!*] He said "*hear*" too, for he wished their Lordships

to hear what he then said, as he should not long be able to address that or any other assembly. He repeated, that any admission of supremacy not within the realm, but out of the realm, was ecclesiastical usurpation, and precisely that against which it was the object of the law to provide. It was that species of tyranny as well as usurpation which must terminate fatally for the liberties of the people. Such was the opinion of Locke, such of Paley. It had been said that by the act of union with Scotland, a church had been recognised and established, which did not acknowledge the King as its head: he wished to know how this argument applied to the case before them? The Church of Scotland, it was true, did not acknowledge the King as its superior, but then it did not, as the Catholics did, acknowledge another potentate, and that potentate a foreigner, its superior in his stead. Supposing, however, that their Lordships had, on the union with Ireland, planted the Roman Catholic religion as the dominant religion, they would only have to consider for a moment, to be sensible how inconsistent such a proceeding would have been with the interests of this Protestant country, and the policy on which it had usually acted. The moment they had so planted it, what would have become of their allegiance, what of the securities which their ancestors had interwoven around the pillars of their Church, and what of their own solemn pledges to support the supremacy of that Church? When the concessions, on the propriety or impropriety of which they were then debating, were first thought of, no man ever dreamt of granting them without the consent of the Protestant part of the community, and without consulting what was due to their peace, and happiness, and tranquillity. All that was great and illustrious in the country, all the venerable names on both sides of the House, had been engaged in devising securities for the Catholics to give, that they would not injure the Establishment; and yet was there any one of the proposed securities that was at all satisfactory? Did he look at the Veto? he found it unsatisfactory. Did he look at the scheme of domestic nomination? that was as unsatisfactory as the former. They had the authority of Dr. Milner and of others, that such arrangements were unsatisfactory and incomplete;

so that, for prospective arrangements not satisfactory to the community in whose behalf they were made, the whole state of the Constitution must be altered, and a new system of laws formed, not to satisfy one part of the community, but to alienate another. Looking, therefore, at the Veto, the system of domestic nomination, and the other plans which had been proposed to Parliament,—considering how unsatisfactory they all were to all parties,—recollecting that it was his duty as a privy counsellor and a Protestant to express his sentiments humbly and sincerely to his Sovereign (to whom, however, he owed no allegiance if that Sovereign was not a Protestant), —he could not help reminding their Lordships, that they would do well to soothe, and not to disturb, the feelings which had been already excited during the course of these discussions. He must again and again press upon their attention the insufficiency of all the securities which had been offered. The privileges which the country had won by the Revolution of 1688 were not gained with ease, were not the result of a slight struggle, but were long and arduously contested. Now that they *were* acquired, and that the value of the acquisition was perfectly recognised, it behoved their Lordships carefully to abstain from any step which could bring them into the slightest danger. The Constitution which ensured privileges to us all, when it acknowledged the right of every man who acknowledged it to places of trust, power, and emolument, did not acknowledge the right of any man to them who did not acknowledge its full authority. The laws which it was now sought to repeal had always been looked upon as the best security, not only for the civil and religious liberties of the Church of England, but for the civil and religious liberties of every man dissenting from that Church. The civil and religious liberties of the one were best maintained by the Establishment, and the civil and religious liberties of the other by a toleration as free as the safety of the state would allow. If he were a supporter of the Catholic claims, he should be sorry to use any argument in favour of them which was derived from the numbers of those who urged them. If their numbers were great, that was no argument to concede these claims if they were unfounded; if their num-

bers were small, no argument to refuse them if they were just. He had looked upon this subject with all the anxiety which it demanded, and, in his investigations, had found that though certain canons, as adverse to the spirit of religion as they were to the temper of the times, had been renounced by individuals, they had not been renounced by the Church of Rome. He saw nothing to induce him to believe that the Roman Catholics were changed, and therefore could not give way to their pretensions or claims.

The motion was defeated by a majority of 147 against 106.

Lord Grey, having introduced a bill for dispensing with the declarations prescribed by the acts of 25 and of 30 Car. 2., against the doctrine of Transubstantiation and against the Invocation of Saints, moved the second reading of it on the 10th of June, when

The Lord Chancellor again opposed the principle of such a measure, urging that the law which had been introduced under Charles II. had been re-enacted in the first Parliament of William III., the founder of our civil and religious liberties. It had been thought necessary for the preservation of these, that papists should not be allowed to sit in Parliament, and some test was therefore necessary by which it might be ascertained whether a man was a Catholic or a Protestant. The only possible test for such a purpose was an oath declaratory of religious belief: and, as Dr. Paley had observed, it was perfectly just to have a religious test of a political creed. He entreated the House not to commit the crime against posterity of transmitting to them, in an impaired or insecure state, the civil and religious liberties of England.

The bill was rejected by a majority of 141 against 82.

Mr. Surtees, the father of Lady Eldon, had, by his will, dated Dec. 3rd, 1783, bequeathed her a consider-

able legacy; but the affairs of his bank at Newcastle being involved at the time of his death, which occurred about September 1800, Lord Eldon, whom he had nominated a devisee and executor, renounced the trust and executorship, and all benefit to himself or his Lady under the will: and now, in 1819, executed a deed poll in formal confirmation of that disclaimer.

The Chancellor's attachment to ancient law did not prevent him from promoting, on the 18th of June, a bill, which passed as the 59th of Geo. 3. c. 46., for abolishing appeals of felony and wager of battle. In moving the committal of it he made a learned speech, which is given at some length in Hansard's Parliamentary Debates, and will be found entertaining by those who are curious in legal antiquities.

On the 13th of July, the Session was closed by a speech from the Prince Regent himself,—

Little more than a month from the prorogation had elapsed, when, on the 16th of August a formidable meeting took place at Manchester, which, with some difficulty, and unhappily not without some loss of life, was at length dispersed by a military force. The four following letters have reference to these events, and to the course of proceeding which, in Lord Eldon's opinion, they called for.

Lord Eldon to Sir William Scott.

"Dear Brother, (August, 1819.)

"Yesterday's letter from you was more of the scrap kind than your former one. Your exhortations to the King's servants, I doubt, can't reach many of them, for, with exception of Liverpool, Castlereagh, Sidmouth, Wellington, Van, and myself, they are all, eight in number, in different parts of Europe. We meet daily, but can resolve on nothing.

In fact the state of our law is so inapplicable to existing circumstances, that we can't meet the present case: and I am as convinced as I am of my existence, that if Parliament don't *forthwith* assemble, there is nothing that can be done but to let those meetings take place, reading the Riot Act, if there be a riot at any of them. Prosecutions, for *sedition* spoken at them, we have now in plenty on foot — and they may come to trial nine months hence. They are not worth a straw: and, blamed as I was in 1794 for prosecuting for *High Treason*, all are convinced here that *that* species of prosecution can alone be of any use. I think, however, that it wo'n't be attempted: the case is as large and complicated as mine was in 1794, and nobody has the spirit to attempt it. This will either be a quiet day, notwithstanding the meetings, or it will be a tremendous one. I am to have an officer and forty soldiers in the Museum Garden. I shall not leave town till the latter end of next week. Town, or this world, I must leave — such is my state: and I hope, when I do leave it, to return no more to labour without ceasing from seven in the morning of the 28th October to nine at night of the 31st August. I can't bear it longer — it's impossible. God bless you. "Yours,

"ELDON.

"What think you of the Letter of the Duke of Bedford, and Coke of Norfolk, now published, accepting the honour of being members of one of these Union Clubs at Liverpool? Lord Fitzwilliam's Letter, too, shows a heart palpitating with fear: in fact, the Reformers would certainly demolish these great Whigs first. That I think we have good evidence about."

Lord Eldon to Sir William Scott.

"Dear Brother, "Saturday, Aug. 28th, 1819.

"I write to say we have no news. The charges against the Manchester Traitors will, as I apprehended, dwindle into charges of seditious conspiracy. Sir Francis Burdett is coming to town to have a Westminster meeting.

"I have not finished my business; but my business has nearly finished me. Half my time has been spent in hearing

complaints that the V. C. would hear no counsel, party, &c., nor give ear to anything he ought to listen to. This has produced scenes very indecent, and I have done my best, ineffectually often, to put an end to them. Wood, Baron, is too old for his work. It is a mischievous arrangement that has required, in judges, service of many years before they can have their pensions. It has pleased God to distinguish some few extraordinary men by the full possession of great talents to a great age : but this is a specialty, on which a general rule can't be established.

"You will be sorry to hear that in all present probability you will see Sir Arthur Piggott no more. Love to all.

"Yours affectionately,

"ELDON."

Lord Eldon to Sir William Scott.

"Dear Brother, (August, 1819.)

"Upon my return from Lincoln's Inn Hall yesterday, I received your letter, for which I thank you ; but I was so faint with fatigue that I could not do what I have generally done — write once a day to you — for I have seldom missed so doing. Neither the Prince nor most of his Ministers seem to act as you think they should. He came here late on Thursday evening — rather night — and went off again on Saturday, to the Marquis of Hertford's, I *believe:* — that he went there or elsewhere is certain. Eight out of fourteen Ministers, I believe, abroad — in that there is no harm : the other six are full as many as can usefully converse upon any subject. So, at least, I think experience has taught me. Of the six, five are at their villas, and I alone am here. They come, however, daily : not that I can see that there is much use in it. There are but two things to be done — to treat what is passing as high treason, or as misdemeanor ; and when the Law Officers have said what THEY can do, what more is to be done? They decide for misdemeanor ; and who will be bold enough to command them to institute prosecutions, such as they think they can't maintain? Without all doubt, the Manchester magistrates must be supported ; but they are very generally blamed here. For my part, I think, if the assembly was only an unlawful assembly, that task will be difficult enough in

sound reasoning. If the meeting was an overt act of treason, their justification is complete. That it was such, and that the Birmingham was such, is my clear opinion. Under Edward's statute, I know very well it would be difficult to maintain that; but, under my act of the 36th of the King, in force at this moment, a conspiracy to levy war — a conspiracy to depose him — or a conspiracy by force to make a change in either House of Parliament, — manifested by an overt act, — is treason. Can any man doubt, connecting Birmingham and Manchester together, that these meetings are overt acts of conspirators, to instigate to such specific acts of treason or some of them? I can't doubt it. But how ridiculously shall I be reasoning in Parliament, if the prosecutions are for misdemeanor! An unlawful assembly, *as such merely*, I apprehend can't be dispersed; and what constitutes *riot* enough to justify dispersion is no easy matter to determine, where there is not actual violence begun on the part of those assembled. As to my staying in town for appearance sake, for at any rate it can be but for that, I certainly shall not; I cannot. Sixty-nine and the Chancellorship are utterly incompatible. A fair attention to my health, I will add a fair concern for my life, requires, in my judgment, my retirement altogether. That I can induce myself to stay here, — the slave of those who are not here, — constantly assailed by business, and more than probably to be employed daily in the cases of persons charged with suspicion of treason, sedition, &c., and suing out their writs of habeas corpus, and brought before me, because there is none of the twelve judges so near as to be resorted to — all at watering places — is out of the question. I can't bring my mind to the thought that I am acting right, if I don't act upon the conviction of that mind, that I am grown unequal to the duties of my office; but if I don't secure a respite — relaxation for a time, and complete relaxation for a time, — the thing must be instantly over. Fanny tells me that Mrs. Townsend mentions that the very warm weather has been of use to Mr. T. You mention Sir Matthew White Ridley's opinion — I'll bet you any wager that, when Parliament meets, he will neither support the Manchester magistrates, nor the law or laws which will be proposed. We hear

at least that the line of conduct, to be pursued by those with whom he generally acts, is to be very different. Many ask why Parliament is not assembled. The reason is plain; those who ask the question are themselves utterly unwilling to come. Here I leave off to-night, with the warmest love of all to all.

"Your truly affectionate,

"ELDON."

Lord Eldon to Sir William Scott. — (Extract.)

(Not dated; probably August.)

"The accounts in general, from the disturbed districts, very gloomy, portending storms, and those not afar off. The better sort of people in the kingdom are, as it seems to me, insane — they are divisible into two classes. The one insane, and manifesting that insanity in perfect apathy, eating and drinking, as if there was no danger of political death, yea even to-morrow: the other, your Cokes, your Bedfords, &c., hallooing on an infuriate multitude to those acts of desperation and fury, which will first destroy those who encourage the perpetration of them. We are in a state, in which the country must make new laws to meet this new state of things, or we must make a shocking choice between military government and anarchy. Lord Clarendon, I think, speaks of Lord Keeper Coventry as fortunate in not living to see the civil broils of his country: I am excessively fearful that no man can now hold the Great Seal for any material portion of time, and live without seeing what Coventry did not see."

Before he went into Dorsetshire for the vacation, he quitted his old abode, No. 6 in Bedford Square, for the house No. 1 in Hamilton Place, which he occupied till his death. It was not until September that he disengaged himself from his duties in London, and went down to Encombe; where fresh air and comparative quiet soon restored him to better health and spirits. From this retreat he addressed two letters, in the course of the same month, to his Grandson, the present Earl, then in the fifteenth year of his age.

Lord Eldon to his Grandson, the present Earl.

"My very dear John, "Encombe, Sept. 12th, 1819.

"We have not yet been a week here, but I have now had time to see all that is to be seen here.

"And, first, Grandmamma and Fan send, with me, the warmest love to you. I hope you got Mamma's letter safe: and we shall be most happy to hear that you are well.

"There are a great many partridges, a great many hares, and I think a fair quantity of pheasants. The ponies, Diamond and Dancer, are quite stout, and fat as butter. Aunt Fan's little pony, Dapper, in endeavouring to open for itself a stable door, got its head between the door and the side of the door, where the lock is, and has very nearly hanged himself. He is much hurt, but seems in a fair way of recovery.

"The greyhounds, Messrs. Smoker, Spot, Smut, and Fly (the two latter I shall call Mesdames), are all as they should be; so are also Messrs. Don, Carlo, Bill, and Bob, the pointers. Bill and Bob have been very good and diligent in their winter education, and I think will be towards the top of my dog college. Don is a Freshman, sent down here a few days before we came, but he is a capital performer in the field. Poor old Mat, whom you may remember, a pointer, seems quite superannuated, and I think will see no more service.

"Your friends at the farm, Mr. and Mrs. Parmiter and their family, are all well, and they and Mr. Willis inquire much after you. Mr. Partimer's dog Tiger is in excellent condition, and, when taken out, finds hares and rabbits in abundance.

"And now for great Cæsar. He is amazing fat, looks very handsome, is more affectionate than ever, and is particularly careful in his attendance at the breakfast-room window, when the good things for the teeth and palate are there: as to the loves between him and Aunt Fanny they are endless — such endearing, such salutations, such pettings, as no Dorsetshire or other Christian has the good fortune to be honoured with.

"In the course of the winter I have had a beautiful vessel built — a sailing vessel of good size — in which we went by sea yesterday, to Lulworth and back, with all sails bent, and

colours flying at the mast-head and other parts of her, — a very excellent and beautiful vessel.

"We have had a great piece of good luck in fishing, having caught in one fishing about twenty-four mullet, whitings, &c. &c. of large size.

"And now, my dearest John, do you ask me why I enjoy all these things so much? It is because, as your friend Horace has it, they lull one into the 'Solicitæ jucunda oblivia vitæ.' It is because one enjoys them by contrast with meritorious labour at other times: and depend upon it, neither Encombe, nor any other place, will have any lasting charms, unless in the period of life spent in education, a great stock of information is laid in in the mind, and a great stock of virtuous and religious feeling is implanted in the heart. That you may be diligent in acquiring both in youth, in order that you may be truly happy when you grow up to manhood, is the heartfelt wish, and will be the prayer, offered up daily to Heaven on your account, of your truly affectionate

"ELDON."

Lord Eldon to his Grandson, the present Earl. — (Extract.)

"Encombe, Sept. 26th, 1819.

"The weather has been so dry as to make it difficult either to shoot or course with any success; but we have had heavy rains yesterday and last night, and now therefore we may be able to do better. Your friends Bill and Bob are not equally well educated. I think Bill is a very good young gentleman, abating that he may (though seldom) require flogging. Bob has considerable natural merit, but he has contracted such a stubborn self-will, that we are obliged to administer discipline very frequently; as soon as it is over he is just as much as ever untractable: whereas Bill, after flogging, feels that sense of degradation and regret that he deserved it, which is a great security, with men as well as dogs, for virtuous, honourable, and good future conduct."

The following recollections of those days are from the present Earl: —

"The interest that Lord Eldon took in the con-

duct of the younger branches of his family, during the time of their education, never tended to severity and seldom to reproof, so long as no case occurred of habitual idleness or moral delinquency. Being at school at Winchester, I had always permission to dine and sleep at the George Inn, whenever Lord Eldon and his family passed the night there in going to Dorsetshire or returning to town. On one occasion, I think in 1819 or 1820, upon my entering their room at the inn (which is at a distance of about a five minutes' run from the College), Lord Eldon instantly thus addressed me, with his kindest expression of countenance, 'Well, John, how are you?' adding, without a pause, 'When were you flogged 'last?' I could not help laughing, and was soon joined by the whole party, when I gave the reply, 'About ten minutes ago, Grandpapa!' The fact was literally so; for, being dressed before school-time for my expected visit, the instant school was over I was allowed to go, and the administration of bodily chastisement being the last process in school hours, ten minutes could scarcely have then elapsed. He well knew that the floggings were neither severe in their usual mode of infliction, nor necessary tokens of any great misconduct. Lord Eldon inquiring the particulars of my offence, I informed him that a dead bird, which had been thrown about, came into my hands just as the tutor was coming into the school; which I placed in his chair, and came forward to state so, when he asked who did it. He therefore ordered me to put my name on the master's flogging list, which, in the disregard of floggings which I entertained, I subsequently declined to commute for

the almost nominal punishment of writing out, in Latin and English, any ten lines of Virgil, which he pressed me to do, the offence appearing to him, on reconsideration, so trifling. Dr. Williams sent for me to know why this tutor, to whom my lessons were not said, had ordered my name. I told him with a smile; he smiled in return, and at the close of the school-time flogged me accordingly; though with less exertion of the strength of his arm than I have felt on occasions when the demerit was greater."

The Chancellor was now in correspondence with the Home department, upon the state of the law in relation to the recent disturbances. Lord Sidmouth was the Home Secretary.

Lord Sidmouth to Lord Eldon.

"My dear Lord, "Richmond Park, Sept. 26th, 1819.

"You must be extremely charitable, if you have not thought me remiss and ungrateful: but I am not ungrateful, nor have I been remiss. Even your letters, though they justify and sanction, could not strengthen, my conviction, that the law, with respect to the points to which you have particularly referred, cannot be suffered to remain as it is: I mean with respect to traversing, drilling, and public meetings for political purposes, called together, as they now are, by any miscreant, at any place, on any day, and at any hour, which he may think proper to name.

"Can it be supposed, if, under such circumstances, numerous meetings, of such a description, should be simultaneously held in different parts of the kingdom, that the civil authorities, aided by all the military force which could be forthcoming, would be sufficient to repress and surmount the danger, which it is in the power of such meetings, in the present state and temper of the country, to produce? The struggle would, at least, be very serious, and the result, in some quarters, very doubtful. These considerations have convinced me, though they have not convinced others, that the

laws ought to be strengthened, and the military force of the country augmented without delay; and that, for these purposes, Parliament should be assembled in the month of November at latest. It is however determined 'to wait and see:' a determination, believe me, wholly unsuited to the exigency of the present moment.

"Your report of my friend Bond has distressed me very much, though it has not surprised me. I wish I could go to him, but that is quite impossible. I may die at my post, or be driven from it; but I will never leave it for a single day, whilst the storm continues."

The occurrences at Manchester were a subject of too much irritation among certain classes of the people, to be neglected by the leaders of the Opposition. Great meetings were got up in various places to discuss the affair, sometimes directly censuring the authorities by which the mischief had been suppressed, and sometimes conveying the same impeachment more covertly under the guise of a demand for inquiry. Of the latter class was the large and dangerous assembly, convened at York, on a requisition to the Sheriff, signed by many leading Whigs, and among others by Lord Fitzwilliam himself, the Lord Lieutenant of the West Riding of Yorkshire.

Lord Eldon to Sir William Scott.—(Extract.)

(Postmark, 1819; apparently Sept. 29th.)

* * * * * *

"Lord Fitzwilliam's intended measure, which you mention, is the offspring of sheer weakness of mind. The radicals will make no terms with him, or any others, who will not go all lengths with them. But it is clear to me from his letter, published some time ago, that he is frightened out of his senses. The Whigs have been acting upon principles which, fairly pushed in argument, justify the radicals; *and have been foolish enough to suppose that they could govern, moderate, and*

limit the application of those principles. The York meeting decides what will be the fate of Lord Fitzwilliam's meeting; Dundas's speech there is the language of all opposition. *They are now fools enough to think that they can overturn the Administration with the help of the radicals, and that they can then manage the radicals; and this is the game they will attempt in Parliament.* The insane, however, can only play such a game and think of winning. They may turn out the Administration — that's likely enough; *but it will work their own destruction, if they do it in connection with the radicals.*

"The great question is, what is to be done? I can say no more upon that, than I have said. In thinking what laws may be necessary to be enacted, it occurs to me to recollect that, at the time of the Union with Ireland, I told Mr. Pitt that I thought the great objection to it was, that it would perhaps introduce into this country sedition and treason, in their Irish modes and forms; that, if such should be the case, we should have to attempt passing, at Westminster, such laws as Ireland had enacted; that my belief was that no Parliaments at Westminster ever would pass such laws; that, if they would not, Great Britain, as a land of anarchy, would be a land in which it would be impossible to exist; and, if they would pass such laws, it would be a land of necessary tyranny, in which existence would not be to be wished. Treason and sedition do now appear in such modes and forms. We shall see whether I was right as to what the consequences must be. As sure as I am living, nothing but Parliament can attempt a remedy for present evils. Whether that attempt will succeed, I know not; but, if Ministers will not try it, they ought to make way for other Ministers, who either will try it, or some other measure which may occur to them and does not occur to me. God bless you, and may his providence avert the evils which seem impending over us.

Yours affectionately — out of spirits,

"ELDON."

Lord Sidmouth to Lord Eldon. — (Extract.)

"My dear Lord, "Richmond Park, Oct. 17th, 1819.

"The last week has been chequered by occurrences of very opposite descriptions. The conviction of Carlile, the marked

and predominant feeling against him in the court, and *even in the streets,* are unquestionably subjects of satisfaction and grounds of hope; as are the loyal declarations from different parts of the kingdom, particularly those from the bankers, merchants, &c. of London, from the Court of Aldermen, and from Manchester. On the other hand, the meeting at Newcastle, the subsequent acts of violence on the Tyne, the meeting at Halifax, &c. are indications, amongst very many others, that the spirit of disaffection is gaining ground: and would that I could persuade myself of the sufficiency of our means, either in law or in force, to curb that spirit, or to control and crush its impending, and too probable effects!

"I wrote on Thursday to Lord Liverpool, to call his attention to the conduct of Lord Fitzwilliam, who has taken the leading part in assembling a meeting of the county in which he is the representative of the king, not merely for the purpose of arraigning the conduct of his Majesty's Ministers, but for that also of flying in the face of the admonition from the throne, given by the Regent upon receiving the address of the City of London. Lord F. ought to be instantly removed; and so I have said to Lord Liverpool. He inclines to that opinion, but desired me to consult Lord Castlereagh, to whom I sent a messenger last evening, and I am now expecting his answer."

The Ministers acted with firmness; and notwithstanding the vast property, influence, and merited personal popularity, which Earl Fitzwilliam possessed in his county, came to the resolve which is communicated to Lord Eldon in the following letter.

Lord Sidmouth to Lord Eldon.

"My dear Lord, "Richmond Park, Oct. 21st, 1819.

"I had not a single moment, before I left town to-day, to tell you, that a messenger has been dispatched to Wentworth, with a letter informing Lord Fitzwilliam that the Prince Regent has no further occasion for his services as Lord Lieutenant of the W. Riding of Yorkshire. This was a necessary

act of insulted authority; we shall now be abused by our enemies: if we had shrunk from it, we should have been despised by our friends, and perhaps by our enemies too. The clouds in the North are very black, and I think they must burst. "Ever truly yours,

"SIDMOUTH."

This disturbed state of public feeling, and the necessity of legislative measures for the prevention of much threatened mischief, made it necessary to assemble Parliament before Christmas. The Session was opened on the 23rd of November, by a speech from the Prince Regent in person, acquainting the two Houses that information would be laid before them on the subject of the seditious practices which had so long prevailed in the manufacturing districts, and urging an immediate consideration of the measures requisite for the suppression of the evil.

Lord Grey, in the debate upon the address, proposed an amendment pledging the House to an inquiry into the circumstances of the Manchester meeting. This amendment was supported by Lord Erskine and other Whig peers.

The Lord Chancellor said that no such inquiry could be granted consistently with the spirit of English law. Considering that proceedings were in progress before the legal tribunals, he was reluctant to deliver an opinion; but when he read in his law-books that numbers constituted force, force terror, and terror illegality, he felt that no man could deny the Manchester meeting to have been an illegal one. He objected to parliamentary inquiry during the pendency of prosecutions, except where some continuing danger created a state necessity for such interference. He defended the conduct of the Government, and maintained that if the magistracy in general had erred at all during the late excitement, their error had been rather on the side of remissness than of undue vigour.

The amendment was negatived by 159 against 134. The deliberations of the Government, on the public dangers and their remedies, resulted in the set of measures commonly known by the name of the Six Acts. They were opened to Parliament, in both Houses, on the 29th of November. The first was introduced on that day, by the Lord Chancellor. It had for its principal object to prevent delays in trials for misdemeanor, by taking away from defendants the power of postponing their pleas to the term or session subsequent to that in which the information had been filed, or the indictment found, against them. This bill, however, though it was classed with the other acts, and auxiliary to them, was not strictly, like them, the offspring of the present political conjuncture, the Chancellor having intimated at a former period his intention of proposing such a measure on general grounds. He gave an analysis of it in moving its second reading on the 3rd of December, when some opposition was made to it. It was reported on the 9th; and Lord Holland then suggested a clause enabling a defendant, against whom an information should have been filed *ex officio*, to compel the trial of his case where the Attorney-General should not have brought it on within a certain period. The Chancellor, after taking time to consider that suggestion, introduced a clause on the 13th, enabling the defendant to compel a trial where the Attorney-General should have allowed a year to elapse after plea of Not Guilty: —and in that shape the bill became satisfactory to all parties, and was enacted as the 60 Geo. 3. c. 4.

On the bill to authorise the seizure of arms in the disturbed districts, which is now the second chapter

of the same Session, the Chancellor took no immediate part; but he made some important remarks upon it incidentally to the bill for the prevention of unauthorised military training.* This latter measure being opposed on the 2nd of December by Lord Erskine, who, in his speech upon it, denounced the Seizure of Arms Bill as an infringement upon the people's constitutional right to have arms for their defence, and foreboded that England would be little like England when these bills should be passed, —

The Lord Chancellor asked the House, what they thought England would be like, if these bills should *not* pass? His Noble and Learned Friend had overlooked a portion of the enactment respecting the seizure of arms. It did not authorise the searching of a house on the mere information that the owner had arms in his possession: such possession must be for a "purpose dangerous to the public peace." He happened to know that the dagger which Mr. Burke threw down upon the floor of the House of Commons was still preserved†: but its possessor certainly did not hold it "for any purpose dangerous to the public peace;" but as a memorial of that great man, who had been instrumental toward the adoption of that policy, which had saved the country and rendered England what England now was. The principle of the right of the King's subjects to possess arms for their defence was not quite so broad as it had been frequently represented: it was accompanied with the qualification that the arms to be so possessed by them should be suitable to their conditions. But if their Lordships had any doubt of the propriety of passing these bills, that doubt would be removed on a fair consideration of the evidence contained in the papers on the table. If the object of the persons, to whom that evidence referred, was to give to meetings, by the collection of great numbers, the quality of physical force, for the purpose of procuring, by the display of that physical force, any alteration in

* 60 Geo. 3. c. 1. † See Chap. X.

the Government in Church or State, — if this were done by any individuals either in this city or any other part of the country, — he must declare that such a proceeding was an over act of treason.

Another of these bills, now the 8th chapter of the same Session, was for the prevention and punishment of blasphemous and seditious libels. Its most important clauses were, a provision authorising the seizure of all copies which should be in the possession of any person previously found guilty of composing, printing, or publishing the libel; and a provision rendering the offender liable, on a second offence, to banishment for any term of years which the Court should order. — The opponents of the bill were loud in their denunciations of the discretionary power committed by it to the judges: and insisted that it would defeat its own object, by disinclining juries to convict. On the 6th of December,

The Lord Chancellor justified the principle of entrusting the judges with a discretion as to the amount of punishment. It was necessary for the suppression of these libels, that the Courts should have the power which this bill proposed to vest in them. As the law now stood, if a man, between the times of his prosecution and of his judgment, thought proper, day by day and hour by hour, to repeat his offence, by means of his servant, his wife, or some other authorised person, there was nothing to prevent him. Until a great lawyer in another place and a great reformer of laws (Mr. M. A. Taylor) had thought proper to take away the punishment of the pillory, there was some check to this species of pertinacity; but now, the Court could only imprison and fine, and often the fine was imposed where it could not be paid. It was true that each of these publications might form a subject for a distinct prosecution; but if they extended to the number of 500, or 1000, or 1500, was it possible for the duration of human life to afford a sufficient space for a punishment equal to the incal-

culable mischief which their circulation would effect? Notwithstanding all he had heard of the general disinclination of juries to administer the law, he was not one of those who believed that such a disinclination prevailed.

The Chancellor was not a prominent speaker in the discussions upon the Seditious Meetings Bill*; but he defended it together with the other Government measures, when the last of them, the Newspaper Stamp Duties Bill†, was brought on for its second reading, on the 27th of December.

He said that he had voted for these measures, because he considered them as tending to secure the peace and promote the happiness of the people. That was the end and aim of all just government; but to those who were endeavouring to disturb society, he must deny the appellation of "the people." Before the meeting of Parliament his apprehensions had been great; but the majorities which had supported these measures, and the quiet which had already been produced, and which showed the confidence reposed in Parliament, had put an end to his alarm. He then recapitulated the various legislative measures which the Government had brought in, and vindicated their necessity.

Toward the end of December, both Houses of Parliament adjourned for the Christmas vacation. During this recess, on the 23rd of January 1820, the Duke of Kent breathed his last; a Prince whose extensive charities had much endeared him to the nation, and whose memory is still honoured by them in the person of his only offspring, the beloved Sovereign of these kingdoms. His Royal Father, from continuing infirmity of mind, was spared the pain of this bereavement: and only six days afterwards, on the 29th of January, the aged Monarch himself expired.

* 60 Geo. 3. c. 6. † 60 Geo. 3. c. 9.

Those Members of the Cabinet, who were then in town, resigned their credentials of office on the 30th into the hands of Lord Sidmouth, the Secretary of State for the Home Department, who, at a Court held a few hours afterwards, delivered them to King George IV. At the same Court the Lord Chancellor gave up the Great Seal to his Majesty in person, who immediately returned it to him, and reinstated the other Ministers in their offices.* Thus the only perceptible change effected by the death of George III. was in the title of his son, who now, from Prince Regent, became King; the Government continuing substantially the same.

Lord Eldon to Mrs. H. Ridley.

"Dear Fanny, "London, Jan. 31st, 1820.

"I have lost the Master whom I have long served and whom I have most affectionately loved.

"The Acts of Parliament now in being would have continued me in office till the Royal pleasure should remove me; but I determined that, as I was acting under the appointment of him who was no more, I owed it as matter of respect to him, and as matter of respect to his successor, to consider my office as determined by the death of him who gave it me, and that I ought not, with respect to the latter, to leave him to the pain of removing me if he thought that fit — and especially as I know, and to his credit I say it, that he kept us, and me among the rest, originally, only because we were his father's servants.

"I therefore yesterday resigned into his hands the Seals; and, as I told him, I hoped unsullied by any act of mine. Out of office, he thought proper to call me back into it; and now I am in the very singular situation — that of a third Chancellorship.†

* Annual Register, 1820, p. 16.

† Lord Chancellor Lyndhurst has been thrice Chancellor: not in this constructive way, but

"Remain in it long I cannot — to be restored to it I did not wish — but I could not for the present withdraw from the offer graciously made to me by the son of my greatest benefactor, and who certainly has behaved with great kindness to me, though he had been taught heretofore to hate me.

"With our love to you all — to you all —

"Believe me affectionately yours,

"ELDON."

Among the stories in the Anecdote Book, there are several which Lord Eldon used to repeat as having been related to him personally by King George III., and for which this may perhaps be an appropriate place: —

"An eminent Scotch apothecary got from Scotland the degree of M. D. The late King was a great friend to a learned and academical education, and had heard that Mr. Dundas, afterwards Lord Melville, meant to ask some favour of him, respecting this apothecary. The King told me, that when Mr. Dundas came to him for that purpose in the closet at St. James's, he appeared extremely embarrassed, and, probably knowing that the King did not like the application, did not get the request out of his mouth till the King, having noticed his embarrassment, said, 'Mr. Dundas, you mean, I think, to ask something — pray what is it?' Mr. D. in broken phrases at last said enough to satisfy the King, that he was asking him to make Mr. —— a Baronet. 'What, what, is that all?' said the King. 'It shall be done. I was afraid you meant to ask me to make the Scotch apothecary a physician: — that's more difficult.' And in passing to the Levee Room, he said to his own

actually as successor to three other Chancellors, Lord Eldon, Lord Brougham, and Lord Cottenham.

Physician, and to me, then his Solicitor-General, 'You were both well-educated, academical men. They may make as many Scotch apothecaries Baronets as they please, but I shall die by the College. I knew,' added the King, 'what he was going to ask, and I thought I would be even with him.'"

"Bishop Porteus, whom in all conversations about him George III. called the Queen's Bishop, was asked by her Majesty, at a period when all ladies were employed (when they had nothing better to do) in knotting, whether she might knot on a Sunday. He answered, 'You may not;' leaving her Majesty to decide whether, as knot and not were in sound alike, she was, or was not, at liberty so to employ herself on that day."

"Lord Kenyon, who was as considerable a lawyer and as worthy a man as ever lived, was, nevertheless, a person of extremely warm temper. After he left the Rolls and became Chief Justice of the King's Bench, for several months he watched the emotions of his mind, and guarded himself so effectually, that the King, George III., who had a vast regard for the Chief Justice, said to him one day at the Levee, 'My Lord Chief Justice, I hear, that since 'you have been in the King's Bench you have lost 'your temper. You know my great regard for you, 'and I may therefore venture to tell you that I was 'glad to hear it.'"

"Wilkes dined once in company with George IV., then Prince of Wales; it was about that time when the laudable custom of drinking toasts, the health of ladies, was giving way to sentiments, as they were called. Now Wilkes overheard the

Prince talking of him pretty freely; so in due time, when Wilkes's sentiment was called for, he gave 'The King, and long may he live!' 'Why, when did you become so loyal?' exclaimed the Prince. 'Ever since I had the honour of knowing your Royal Highness,' answered Wilkes. After this, Wilkes attended very constantly the Levees. On one occasion George III. addressed him (this George III. told me himself) inquiring after his friend Serjeant Glynne. The Serjeant had been very intimate for many years with Wilkes — had been engaged with him in many of his seditious transactions, and employed for him as his counsel in all his important Westminster Hall trials and transactions. '*My* 'friend, Sir!' says Wilkes to the King; 'he is no 'friend of mine.' 'Why,' said the King, 'he *was* 'your friend — and your counsel in all your trials.' 'Sir,' rejoined Wilkes, 'he *was* my *counsel* — one '*must* have a counsel; but he was no *friend;* he loves 'sedition and licentiousness, which I never delighted 'in. In fact, Sir, he was a Wilkite, *which I never* '*was.*' The King said the confidence and humour of the man made him forget at the moment his impudence."

"I met a Prelate, who was at that time Bishop of a See not very richly endowed, coming out of his Majesty George III.'s closet at Buckingham House, as I was going into it. The King asked me, if I did not very much like sincerity? I answered, 'Yes, Sir.' 'So does that Prelate,' said the King, 'for he has just assured me, that he is perfectly content with his present preferment: he should wish, indeed, he said, to have Salisbury instead of it, but he added, that he so

wished for no other reason whatever, but merely that he might have the honour of giving me a breakfast in my way to Weymouth. Can you,' he added, 'believe that, when a Bishop says it ? *I* can't.'"

The present Earl writes, "Whilst King George III. used to pass his autumns at Weymouth, he would occasionally desire his Ministers (who came to see him on business) to accompany him on the sea in his yacht, and would tell them jocosely, that he had no objection occasionally to let them suffer a little sea-sickness, that they might not be too fond of troubling him on business during the vacations. On one occasion he took Lord Eldon with him in the yacht, and, wishing to hold some confidential conversation with him, locked the door that they might not be interrupted. The cabin being (as Lord Eldon used to describe it) full of mirrors, and the sea not quite calm, Lord Eldon soon had occasion to request his Majesty to unlock the door, lest something unbecoming the Royal presence should occur. On this the King complied, and called, with a good-humoured smile, to his surgeon, who came from the north of England, to take care of his countryman."

The following are among the reminiscences of George III. which fell from Lord Eldon in his conversations with Mrs. and Miss Forster: —

"George III. was a man of firm mind, with whom one had pleasure in acting. He was very slow in forming his opinion, — very diligent in procuring every information on the subject, — but, once convinced, he would act with the most unflinching firmness. His beautiful speech about the Catholic question shows his character: —

"'I can give up my crown and retire from power; 'I can quit my palace and live in a cottage; I can 'lay my head on a block and lose my life; but I 'can *not* break my oath.'"

"My birthday, the 4th of June, was the same as George III.'s, and I had to appear before him in full robes as Chancellor. On one of these occasions I arrived, and was beginning, 'Please your Majesty,' when he stopped me: 'Stop, stop,' (said he) 'I wish *you* many happy returns of this day; now you may go on, but remember *I* spoke first.'"

"The present King (George IV.) sits at his Levees; George III. always stood. I remember, once, when he was becoming old, I asked if he had not better have a chair. He answered, 'No, I cannot sit, for there are so many persons come to these Levees, who ought not to come, who ought never to be admitted, the only way I have of not speaking to them is to walk on.' Oh, he had many Levees at which he did not speak to one half of the persons present; and *that*, not from politics, but from their situation and character."

"On one occasion I, and the Archbishop of Canterbury, and many other Lords, were with George III., when his Majesty exclaimed, 'I dare say I am the first King whose Archbishop of Canterbury and whose Chancellor had both run away with their wives — was it not so, Chancellor?' 'May it please your Majesty, will you ask the Archbishop that question first,' answered I. It turned the laugh to my side, for all the Lords were beginning to titter."

"Lord Eldon told Miss Ridley, Lady Eldon's niece, that the King, speaking to the same Archbishop, Dr.

Charles Manners Sutton, of his large family, used the expression, 'I believe your Grace has better than 'a dozen.'—'No, Sir,' said the Archbishop, 'only 'eleven.'—'Well,' replied the King, 'is not that '*better* than a dozen?'"

The next two stories were related by Lord Eldon to Mr. Farrer:—

"On one occasion, George III., when he came out of the House of Lords, after opening the Session of Parliament, said to the Chancellor, 'Did I deliver the speech well?'—'Very well, Sir,' was Lord Eldon's answer.—'I am glad of it,' replied the King, 'for there was nothing in it.'"

The high opinion which George III. entertained of Lord Eldon and his brother Sir William, is illustrated by a little saying of his, which Dr. Ridley, the husband of Lady Eldon's sister, was accustomed thus to relate:—

"King George III., when hunting with the stag hounds, was told that he might expect good sport, as the stag intended for the chase of that day was brother to a stag which had afforded remarkably good sport a few days before. 'Ah!' replied the King, 'do not depend too much upon that; it is not every family that can produce two Scotts.'"

CHAPTER XLII.

1820.

CATO STREET CONSPIRACY. — MARRIAGE OF THE HON. F. J. SCOTT TO THE REV. E. BANKES : CORRESPONDENCE WITH HER. — NEW PARLIAMENT. — BISHOP OF EXETER AND CLERGY. — LETTERS OF LORD ELDON TO MRS. E. BANKES, AND TO MRS. FORSTER. — ARRIVAL OF QUEEN CAROLINE: PROCEEDINGS IN PARLIAMENT RESPECTING HER: LETTERS TO MRS. E. BANKES. — CAPITAL PUNISHMENTS: MARRIAGE ACT AMENDMENT BILL. — QUEEN'S TRIAL : CHARGES COMPLETED : ADJOURNMENT. — ATTEMPT OF THE QUEEN TO PROCURE A HOUSE NEXT DOOR TO LORD ELDON'S : LETTERS OF LORD ELDON AND LORD LIVERPOOL. — VISIT OF LORD ELDON TO ENCOMBE : LETTER FROM HIM TO SIR WILLIAM SCOTT. — RESUMPTION OF QUEEN'S TRIAL : HER DEFENCE : REPLY : DEBATE ON SECOND READING OF BILL OF PAINS AND PENALTIES : LORD ELDON'S SPEECH : LETTER FROM LORD ELDON TO SIR WILLIAM SCOTT : COMMITTEE : THIRD READING : ABANDONMENT OF BILL : LETTER TO MRS. E. BANKES : SIR JOHN LEACH'S STATEMENT OF HIS OWN PART IN THE INQUIRY : REFLECTIONS OF LORD ELDON ON THE PROCEEDINGS : OBSERVATIONS ON THEIR PUBLIC EFFECT, AND ON THE CONDUCT OF THE QUEEN, AND OF THE MINISTERS.

THE 23rd of February 1820 was the day on which the plot for the assassination of the Ministers, commonly called the Cato Street conspiracy, was intended to explode. The leading conspirators were Thistlewood, who had been a subaltern officer in the army, Ings, a butcher, Tidd and Brunt, shoemakers, and a man of colour named Davidson. These, with others less active, had been for some time devising means to subvert the government: and it occurred to them as the readiest mode of accomplishing this object, to murder the Cabinet Ministers, when assembled at a dinner

which Lord Harrowby was to give to his colleagues on Wednesday the 23rd of February. It was arranged, that on that evening the malecontents should proceed, from their place of rendezvous, which was a loft over a stable in Cato Street near the Edgeware Road, to Lord Harrowby's house; that when the guests should be seated at the dinner table, one of the confederates should knock at the street door with a note addressed to Lord Harrowby; and that on the opening of that door a band should rush in, some of whom should seize the servants, and prevent all egress from the house, while others should force their way into the dining room and take the lives of all the Ministers. Two of the gang were to proceed from Lord Harrowby's house, and throw fire-balls into the straw-yard of the cavalry barracks; and others were to occupy different positions for the accomplishment of other parts of the general design. But before the day arrived, a couple of the ruffians disclosed the design: and silent, but effectual, precautions were forthwith taken by the Ministers for its frustration. The preparations for the dinner were continued at Lord Harrowby's, just as if there had been no intelligence of the plot; and these appearances so effectually deceived the conspirators, that about six o'clock they assembled, to the number of four or five and twenty, at their appointed place of meeting in Cato Street. There they were surprised by a strong party of constables: several were made prisoners on the spot; others were taken a day or two afterwards. They were speedily brought to trial for high treason, and the five before-mentioned were executed. Lord Eldon expresses his thankfulness to Providence for the deliverance of himself and

his colleagues, in the following passage of a letter, addressed by him to Mrs. Farrer: —

(Feb. 1820.)

"I feel very sensibly and gratefully the kindness of your anxiety about us. I have myself been too much engaged in investigating this business, to feel perhaps quite so much as I shall hereafter, in reflecting upon our most providential escape. Lady Eldon and Fanny have suffered, from apprehensions as to the future and in meditating upon what is past, very painfully. For the past, thankfulness and gratitude, I trust, will relieve all other feelings: as to the future, I trust there is something to be hoped for of protection in human caution, and that we may all fully depend upon that Providence to which we are so largely indebted."

On Monday the 28th of February, the Lord Chancellor delivered the King's speech proroguing the Parliament, which was on the same day dissolved.

The Hon. Frances Jane Scott, the Chancellor's younger daughter, was married on the 6th of April 1820, to the Rev. Edward Bankes, Rector of Corfe Castle, and son of the late Henry Bankes, Esq., the member for the county of Dorset. Lord Eldon thenceforward kept up a correspondence with her, so frequent, so minute, and so unreserved as almost to take the character of a diary. It contributes largely to the remainder of this biography.

The following extracts, from a letter to her in April, exhibit the difficulties which the Ministry had now to encounter from the King, who, though preferring the Tories to any other political party, had a much stronger affection for certain personal objects of his own than for any set of politicians.

Lord Eldon to the Hon. Mrs. E. Bankes. — (Extract.)

(April 26th, 1820.)

"Our Royal Master seems to have got into temper again,

as far as I could judge from his conversation with me this morning. He has been pretty well disposed to part with us all, because we would not make additions to his revenue. This we thought conscientiously we could not do, in the present state of the country, and of the distresses of the middle and lower orders of the people, to which we might add too that of the higher orders. My own individual opinion was such, that I could not bring myself to oppress the country, at present, by additional taxation for this purpose; and I strictly and firmly acted upon that opinion, when I had every reason to believe that, adhering to it, I should no longer write the letter C. after the name Eldon. I think, now, the speech, in which he will disavow wishing for any increase, will make him popular, and, if times mend, will give him a better chance of fair increase of income than anything else could give him.

* * * * * *

"Our Queen threatens approach to England; but, if she can venture, she is the most courageous lady I ever heard of. The mischief, if she does come, will be infinite. At first, she will have extensive popularity with the multitude; in a few short months or weeks she will be ruined in the opinion of all the world."

This anticipation is curious for its accuracy in all its passages; affording, indeed, a remarkable instance how age may "rightly spell,"

> "Till old experience do attain
> To something like prophetic strain."

Lord Eldon to the Hon. Mrs. E. Bankes. — (Extract.)

(May 11th, 1820.)

"The Levee yesterday was more crowded than any that I remember, except that upon the late King's recovery in 1788, and upon his escape, when he was shot at, at the play-house, and when Margaret Nicholson was pleased to try to murder him. W. H. J.* was quite graciously received, his Majesty telling him that he was glad to be acquainted with him. He

* The Hon. William Henry John, the Chancellor's second, and then sole surviving, son.

and Shaftesbury went with me. I think there must have been 2000 persons present.

"My dear Fan, how time slips away! Fifty-four years have glided by, this Ascension-day, since I left school, and yet I am as young as ever."

The new Parliament had been opened on the 27th of April by his Majesty in person. On the 12th of May, Lord Holland moved for a Committee upon the subject of a petition from a clergyman, who complained that the Bishop of Exeter, his diocesan, had refused to countersign a testimonial in his favour, signed by three clergymen for the purpose of his institution to two livings whereto he had been presented. The ground of the Bishop's refusal appeared to be, that the petitioner was believed by him to have used, at a public meeting, some expressions derogatory to the Established Church and its Clergy, in connection with the subject of the Athanasian creed. The Bishop having asserted his right to refuse the testimonial upon his own conscientious judgment,

The Chancellor confirmed that assertion. It had been alleged, he said, that a Bishop was bound to sign such a testimonial. If so, there must be a power to compel him; but he could not find it in the canon law. He apprehended that it was a most serious duty, incumbent on the clergy and the bishops, to inquire into the character of the persons whose testimonials they were required to sign; and maintained that the bishops ought not to be satisfied with the signatures of the clergy, to the exclusion of their own judgments and opinions. If the objection of his Noble Friends was against the law as it stood, they should proceed by bringing in a bill, which the House would have an opportunity of discussing.

The motion of Lord Holland was negatived on a division, by 35 against 18.

Lord Eldon to the Honourable Mrs. E. Bankes. — (Extract.)

"Tuesday, (May 23rd, 1820.)

"We have had to-day another raree show, though not so gay as Epsom race days. This is the Eton Montem day, and those who have been educated at Eton, and those who have sons there, make a large party — not the smaller, because the King (imitating, and there he acts very right, his father's example) attends. This attention attaches all the Etonians (and they are very numerous in their respective generations) to the Throne and the King.

"I began to lament being at the west end of the town last night. Our next door neighbour, Mrs. Drummond Burrell, thought proper to give a rout or some such thing: nobody came till near twelve; and, for some hours, such was the noise and clatter, that attempt at sleep was quite ridiculous. I hear she has another on Thursday: if so, I must send my compliments to her, and inform her that against such breaches of the peace and nuisances, I must grant an injunction.

"My silver dishes, with the gilded copper union seal in the middle of them, are finished at Makepeace's, and are excessively handsome."

Lord Eldon to the Hon. Mrs. E. Bankes. — (Extract.)

(May 29th, 1820.)

"We had our commemoration of poor Pitt on Saturday. The company did not amount to more than 250: it ought to have been twice as many: but, after the greatest and best of men have been buried fourteen years, the attention to the memory, even of those whose names will be had in everlasting remembrance, slackens and abates wonderfully. Of fifteen members of a Cabinet, some of whom, possibly none of whom, would ever have been in a Cabinet, if not brought forward in public life by him, only four felt it their duty to attend, viz. Wellington, Westmoreland, Bragge Bathurst, and myself. Mr. Bankes was there, and some other Members of Parliament of his standing and mine, who toiled through many a parliamentary campaign with Pitt.

"I saw my Royal Master, as usual, yesterday. The Committee to settle the forms of the Coronation have reported to

him that, as there is to be no crowning of a queen, peeresses should not be summoned to attend, and so all former precedents, in like cases, appear to have been. But he says that, as Queen Elizabeth, though a lady, had both Peers and Peeresses, so he, though he has no queen, will have both ladies and gentlemen to attend him. I think, however, he will not persist in this. The town here is employed in nothing but speculation whether her Majesty will or will not come. Great bets are laid about it. Some people have taken fifty guineas, undertaking in lieu of them to pay a guinea a day till she comes, so sure are these that she will come within fifty days: others again are taking * less than fifty guineas, undertaking to pay a guinea a day till she comes, so sure are they that she will not come. Others assert that they know that she will come, and that she will find her way into Westminster Abbey and Westminster Hall on the Coronation, in spite of all opposition. I retain my old opinion that she will not come, *unless she is insane.* It is, however, certain, that she has appointed maids of honour, — ladies to whom she is pleased to give that appellation.

"I understand the medals, that are to be struck for the Coronation, are to have an inscription in Latin, which imports that he now reigns in his own right, no longer acting for his father, but that he reigns with all his father's mind and sentiments. †

Lord Eldon to Mrs. Forster. — (Extract.)

"London, June 2nd, 1820.

"With respect to the Commissionership of Bankrupt, it is a good or a bad thing, as your son may make it the one or the other. If he uses it as a first step of the ladder, to enable him to go up higher, it may be a great blessing: if he reposes his foot upon this first step, it will do him no good. This should be impressed upon him, *kindly.* After being forty-six years in the profession, I think, — I am sure, — I am correct, when I say most of those who have had this

* Quære, *giving,* on an undertaking *to be paid?*

† The motto of these medals was, "Proprio jam jure, animo paterno."

situation, have contented themselves with it, who might have risen to great eminence if they had not had it and had been obliged to work hard. I have now in my possession a letter, in which Lord Thurlow promised me a Commissionership, when it would have been most valuable to me in point of income; he never gave it me, and he always said it was a favour to me to withhold it. What he meant was, that he had learnt (a clear truth), that I was, by *nature*, very indolent; and it was only want that could make me very industrious. Forster, therefore, must use it only as a stepping-stone to better things."

From this time, for several months next following, the attention of the Lord Chancellor, and indeed of the whole nation—of King, Ministers, Parliament, and people—was almost engrossed by the claims and conduct of Queen Caroline. She had been long upon the Continent; and rumours had prevailed of an improper familiarity between her and a man named Bergami, whom she had promoted from being her courier to be her companion. In 1818, a Commission was sent to visit Milan and other places where she had been resident, and to ascertain the facts upon the spot; and though the result was one which, in the opinion of the Regent and his Ministers, established the imputed adultery, yet, so long as she continued abroad, and held no higher station than that of Princess of Wales, it was thought expedient to abstain from any public proceeding on the subject of her alleged misbehaviour. When, by her Consort's succession to the Crown, her position became changed, the King thought it behoved him to insist on stringent measures, and pressed his Ministers to obtain for him a divorce. They resisted the proposal: deeming it not only superfluous but injudicious, to stir

such a question while she should continue to refrain from any offensive or obtrusive proceeding. He was for some time pertinacious, but yielded at last upon an assurance from them, that if at any time she should force herself upon him and the country by returning to England, they would accede to his desire. This assurance, when they gave it, seemed equally reasonable and safe; so little was at first the apprehension, in any quarter, of her venturing on a visit to this country. One only slight was put upon her—which, though little regarded at the first, grew afterwards into matter of great irritation—the omission of her name from the Liturgy. She had been originally named in it as Princess of Wales; and that arrangement had remained unaltered during the Regency. When the Prince Regent had attained the Crown, there was no longer a Princess of Wales, and the form till that time used was now of course expunged from the Prayer Book. In other circumstances she would have been reinstated under her new title of Queen: but, in the present case, it was thought fit to exclude *all* individual mention of her: so that the new form of prayer, directed by the Privy Council, on the accession of George IV., came out without any reference to her, except so far as she might be considered to be comprised in the general prayer for the Royal Family.*

The news of the omission of her name from the Liturgy reached her in Italy. After a few days of deliberation, she came to a conclusion that it was

* On this it was afterwards pathetically and strikingly said by Mr., now Lord, Denman, that if she was included in any general prayer, it was in the prayer for "all that are desolate and oppressed."

matter of serious importance to her, and wrote to Lord Liverpool, not only demanding the insertion of her name in the Liturgy, but announcing her intention to revisit England. In the beginning of June she reached St. Omers, at which place she received from the Ministry, through the agency of Lord Hutchinson and of her chief adviser Mr. Brougham, proposals of adjustment, of which the principal were, that she should receive a settlement of 50,000*l.* a-year, on condition of her not using the title of Queen of England or any other title attached to the British Royal Family, and of her remaining absent from this country. The consequence of her re-appearance in England, it was added, would be an immediate message to Parliament and a refusal of all compromise. The Queen indignantly rejected these terms, set off at once for Calais, sailed for Dover, and on the 6th of June arrived in London.

The tidings of her approach had reached the Ministers on the 5th; and on the 6th, after the King had given the Royal assent in person from the throne of the House of Lords to several bills, a message from his Majesty was delivered to both Houses of Parliament, communicating certain papers relative to her conduct, which were referred by him to their immediate attention.

The friendship formerly entertained for Lord Eldon by Queen Caroline when Princess of Wales had been long since extinguished. She had become an enthusiastic admirer of Mr. Canning, and had taken great umbrage at the preference, which Mr. Perceval had obtained over him in the King's favour at the time of the Duke of Portland's retirement, and which she

mainly attributed to the influence of Lord Eldon. And it is not improbable that the estrangement may have been widened by the incongruity of her personal habits and modes of life with those which Lord Eldon approved and practised. She was now to become for awhile a source of unmixed disquiet to him.

Lord Eldon to the Hon. Mrs. E. Bankes. — (Extract.)

"June 7th, (1820,) half-past 9, A.M.

"Contrary to all expectation the Queen entered London yesterday in an open carriage with the Alderman* and Lady Anne Hamilton, and amidst a vast concourse of people in carriages and on horseback, who had gone out to meet her, and to hail her approach. She drove to Alderman Wood's house in South Audley Street, where she exhibited herself and the Alderman from a balcony, to all who chose to take a peep at them, the multitude in the street requiring all who passed by to make their reverences and obeisances to her Majesty. In the mean time messages were sent to both Houses of Parliament, which may be considered as the forerunners of long parliamentary proceedings relative to her conduct: these parliamentary proceedings are likely to be warm on both sides. At present, one can only *conjecture* what is to happen — and conjecture deserves little confidence, when this lady's arrival has robbed conjecture of all credit. As yet, indeed, there has been no time to consider what the effect of it should be upon Coronation, Drawing-rooms, &c. I think confidently it must postpone the Coronation, and it will require some days to see what can or cannot be done with the other matters. The King was well received, as he went to and from the House; but his reception was nothing like what they gave the Queen."

On the evening of the day on which this letter was written, the 7th of June, the King's message was taken into consideration by the House of Lords, when

* The late Sir Matthew Wood.

it was proposed by Ministers that the papers communicated by the King should be referred to a secret Committee of their Lordships. This course being opposed by Lords Lansdowne and Holland,

The Chancellor, expressing the pain which he felt in having to deal with such a subject, declared that the object of Ministers in proposing a secret Committee was to prevent injustice toward the accused. That Committee would not be permitted to pronounce a decision: it would merely find, like a grand jury, that matter of accusation did or did not exist. Such matter, even if found to have existence, could not be the subject of a *judicial proceeding*, strictly so called. The offence of a Queen Consort, or Princess Consort of Wales, committing adultery with a person owing allegiance to the British Crown, would be that of a principal in high treason, because, by statute, it was high treason in him, and as accessories in high treason are principals, she would thus be guilty of high treason as a principal. But as the act of a person owing no allegiance to the British Crown could not be high treason in him, so neither could a Princess be guilty of that crime merely by being an accessory to such a person's act. Yet although, for this reason, there could be no judicial proceeding in such a case, there might be a legislative one: and the existence or non-existence of grounds for such legislative proceeding was a matter into which it would be fit that a secret Committee should inquire. In no case could injustice be done, because that Committee's decision would not be final. There might be differences of opinion about the best mode of proceeding; but, for God's sake, if their Lordships differed, let it be understood that they all had the same object in view, and that their difference was only about the best mode of effecting it.

On the same evening Mr. Wilberforce proposed in the House of Commons an adjournment of the debate on the King's message, in order to give time for negotiation and compromise. After some correspondence between Lord Liverpool and Mr. Brougham, her Ma-

jesty authorised Mr. Brougham and Mr. Denman, on her part, to meet the Duke of Wellington and Lord Castlereagh on the part of the Ministry, for the purpose of discussing the terms of an adjustment.

Meanwhile Lord Eldon writes thus to his daughter Mrs. E. Bankes: —

"My dearest Fan, (June, 1820.)

"As nobody here talks about anybody but the Q., so nobody here can write about anything but the Q., save what they write in the expression of love and affection for those to whom they write. You will see by the impressions of the seal on this scrap, that Cabinets are quite in fashion; daily, nightly, hourly Cabinets are in fashion. The lower orders here are all Queen's folks; few of the middling or higher orders, except the profligate, or those who are endeavouring to acquire power through mischief. The bulk of those who are in Parliament are afraid of the effect of the disclosures and discussions which must take place, if there is not some pacific settlement: the Queen is obstinate and makes no propositions tending to that — at least as yet; the King is determined, and will hear of none — of nothing but thorough investigation, and of what he, and those who consider *themselves* more than him, think and talk of — thorough exposure of the Q., and divorce. To this extent Parliament will not go — but, amidst this mess of difficulties, something must arise in a few days, or it will happen, I think, in a few days, that the K. will try whether he cannot find an Administration which can bring Parliament more into his views than the present Ministers; I don't see how matters can go on a week longer with the present Administration remaining; I think no Administration, who have any regard for him, will go the length he wishes, *as* an Administration — and if they will, they cannot take Parliament along with them. That body is afraid of disclosures — *not on one side only* — which may affect the monarchy itself. There is certainly an inclination to disquiet among the lower orders, but it is so well watched that there is no great cause for uneasiness on that account.

Alderman Wood, who has the Queen still in his house, has, in South Audley Street, before that house, a pretty numerous levee of the family of John and my Lady, as Townsend denominates them." *

Lord Eldon to the Hon. Mrs. E. Bankes.

"June 10th, 1820.

"The newspapers give long accounts of riots here, window breaking, &c., and it's true that the mob have insisted upon three nights' illuminations (which concluded on Thursday night) to give importance to the Queen's arrival.

"Hardly anybody would comply with the commands of the sovereign mob, and therefore more windows have been broken than upon occasions of illumination usually takes place. The multitudes in the streets never came so far towards Hyde Park Corner as our house, and therefore we were not molested; and patrols of horse soldiers between the Duke of Wellington's and us kept us very comfortable and quiet. Last night there was not the least appearance of any disquiet in almost any part of the town—and I think it is all over. At all events, in our part of the town, all will be as safe as if we were at dear Encombe. Our nightly cabinets don't agree with Mamma, and she, you know, will never go to bed when I am out; but, upon the whole, I think she has had less headache than usual in ordinary times.

"It seems to me that both Houses of Parliament are determined to have an end of this business between K. and Q. *without* inquiry and disclosure. All seemed to be agreed that she shall not live in this country, but there is nothing but difference of opinion how she is to be treated abroad. The Ministers will be compelled to give way to Parliament—and they are in a pretty state;—if they give way, the K. will remove them—if they do not, they will be outvoted in Parliament and cannot remain. At least I don't see my way honourably out of this difficulty. I comfort myself to-day by a good dinner at Merchant Taylors' Hall, where I am going, as soon as I finish this scrap, to assist as a Taylor in making the Marquis Camden a brother Taylor. To-morrow

* John Bull and wife — the men and women of England.

will be a very busy day, if the Q. means to make any propositions for arrangement. The K. will *make* none — and, if he can find an Administration that will fight everything to the last moment at any risk, he will *receive* none.

"God bless you. We have not been, and now we shall not be, disturbed — the Q. has gone from South Audley Street to Portman Street, quite out of our neighbourhood."

Under the authority before-mentioned, Mr. Brougham and Mr. Denman met the Duke of Wellington and Lord Castlereagh on the 15th of June to discuss an adjustment, when it was laid down as a preliminary, that the Queen must not be understood to admit, nor the King to retract, anything; and that the questions to be examined were*,

1. The future residence of the Queen abroad.

2. The title which her Majesty might think fit to assume when travelling on the Continent.

3. The non-exercise of certain rights of patronage in England, which it might be desirable that her Majesty might desist from exercising should she reside abroad; and,

4. The suitable income to be assigned for life to the Queen residing abroad.

This fourth topic the Queen desired might be altogether laid aside in these conferences; and the differences which arose upon the first proposition prevented any discussion on the second and third. The first proposition was one to which the Queen's advisers stated that she had no insuperable objection; but they required that it should be accompanied with such arrangements as would prevent any inference

* Annual Register, p. 159. note.

unfavourable to her honour. For this purpose, they suggested, that her Majesty should be officially introduced by the King's Ministers abroad to foreign Courts; or, at least, to the Court of some one state which she might select for her residence; and that her Majesty's name should be restored to the Liturgy,—or something conceded by way of equivalent; the nature of which, however, was not specified by her negotiators.

It was answered, that on the subject of the Liturgy there could be no change of what had been resolved: that with respect to her residence in any foreign state, the King, although he could not properly require of any foreign power to *receive* at its Court any person not received at the Court of England, would, however, cause official notification to be made of her legal character as Queen; and that a King's yacht, or a ship of war, should be provided, to convey her to the port she might select. These conditions were wholly declined by the Queen, and on the 19th of June the negotiations were broken up. On the 22nd, two resolutions were passed by the House of Commons, declaring their opinion, that when such large advances had been made toward an adjustment, her Majesty, by yielding to the wishes of the House and forbearing to press further the propositions, on which a material difference yet remained, would not be understood as shrinking from inquiry, but only as proving her desire to acquiesce in the authority of Parliament. A deputation waited upon her with these resolutions; but she answered, that she could not consent to sacrifice any essential privilege, nor withdraw her appeal to the principles of public jus-

tice, the safeguards alike of the highest and the humblest.

This put an end to all hope of adjustment.

Lord Eldon to the Hon. Mrs. E. Bankes. — (Extract.)

(1820.)

"Great curiosity to learn what the Q. will do now.

"She said, *as I hear,* to one of her counsel who called upon her the other day, just after prayers, when she was eating, 'This praying makes me very hungry; if they put 'me in the Liturgy, I shall be absolutely famished.'"

Lord Eldon to the Hon. Mrs. E. Bankes. — (Extract.)

"June 27th, 1820.

"We had a teazing day yesterday. The Queen sent to me, to say she meant to come in person to the House of Lords. I told her messengers that they must apply to the House and not to me, for, as Speaker, I could admit no ladies during debate without leave. (Note, when you and other ladies have heard debates, the *constitutional* supposition is that the Chancellor did not know that you were there.) So we managed that proposition, which, if carried into effect, would have brought John and my lady, and all the family of John, down to Parliament. Then they desired that I would deliver a message from her to the House. This I told them I could not do, as the House did not receive messages from any body but the King, unless they were sent as answers to addresses from the House. Then they brought a petition from her, to be presented to the House by me: this I declined also; and for this Messrs. Grey, Lansdowne, and Holland, abused me pretty handsomely. However I don't think I suffered much by all that, and I am resolved I will not be employed in any way by this Lady. Her petition was presented by Lord Dacre, and it was to beg that her counsel might be heard, in support of her request that we would postpone all proceedings for two months. Brougham and Denman were heard: and our debate was postponed till this evening. If the House comply with her request, her friends will circulate any number of lies for two months,

and she will have prevented any truths being told in the mean time. I think the House therefore can't comply."

The secret Committee of the House of Lords, which had been ballotted on the 8th of June, had forborne to meet during the attempts at compromise; but it was now become necessary to determine whether their investigations into her Majesty's conduct should proceed. Lord Grey, on the 27th, moved that the order for their meeting should be discharged, objecting upon principle against the reference of the subject to a Committee, the members of which might afterwards have to act in a judicial capacity upon the subject of their own report.

The Lord Chancellor said that this argument had never before been advanced against the ancient and undoubted right which their Lordships possessed and had been accustomed to exercise, of appointing a Committee preliminary to an investigation by the whole House, whether in cases of impeachments, of bills of pains and penalties, or of bills of attainder. It was an argument not at all confined to the case of a secret Committee, but applicable, if at all, against any Committee whatever. For his own part, if further proceedings in this important inquiry should be deemed necessary, he should enter upon them in the spirit so ably described by an eminent English judge, who declared that he had made a covenant with God and himself, that neither affection nor any other undue principle should ever make him swerve from the strict line of his duty. In that spirit he had always endeavoured to act during the past, and should endeavour to act in the future. The consciousness of doing so would be the best consolation he could possess, if he should appear to the friends whom he esteemed to act wrongly, and would form his best title for pardon at the hands of that God before whose tribunal all mankind must sooner or later stand to be judged.

Lord Eldon to the Hon. Mrs. E. Bankes. — (Extract.)
(End of June, 1820.)

"The Committee met yesterday, and the green bag was opened. Whether the Lady was well advised, time will show."

On the 4th of July the Committee made their report that the charges in the documents laid before them appeared so deeply to affect the character of the Queen, the dignity of the Crown, and the moral feeling and honour of the country, that in their opinion it was indispensable that these charges should become the subject of a solemn inquiry. And on the following day a petition was presented by Lord Dacre to the House of Lords from the Queen, praying to be heard on that day by her counsel, on the subject of this report. This petition having been supported by Lord Grey,

The Chancellor declared that he entered on this question, as he would on every other connected with the present proceedings, with an impartiality which could not be affected by anything that might have occurred in the late investigation. With regard to the present question, he would be glad to know where, in the history of Parliament, it was to be found, that counsel were ever admitted to be heard against a measure of some kind or other, not yet submitted to their Lordships, but which some Noble Lord was expected to propose. Would their Lordships consider for a moment what would be the consequence of such a practice? He did not go the length of saying that a bill must, on every occasion, be received on its being offered to their Lordships' consideration, but their practice differed thus much from that of the other House of Parliament, that when a Noble Lord had to present a bill, he did not ask leave to bring it in. Now, let the subject who petitioned be high or low, he would ask their Lordships whether they were prepared to hear counsel against the privilege of a peer to present a bill?

The prayer of the Queen's petition having been rejected, Lord Liverpool introduced a Bill of Pains and Penalties against her, founded on the Committee's report. The preamble recited that she had carried on a criminal intercourse with a menial of her own, named Bergami, and the bill proposed to enact that she should therefore be degraded from the title and station of Queen, and her marriage annulled.

Next day, the 6th, another petition was presented from her Majesty, again desiring that her counsel might be heard. The Chancellor did not treat this prayer as wholly inadmissible in the stage which the proceeding had now reached, but contended that counsel ought to be instructed to confine themselves to the mode of the proceeding which was to be had upon the bill, and the time when such proceeding was to take place. This restriction the House, after some debate, adopted, and Mr. Brougham and Mr. Denman, as her Majesty's Attorney and Solicitor-General, were heard accordingly; but without effect upon the decision of the House to proceed with the bill. Mr. Brougham, in the course of his speech, made a trial of his strength against the body he was addressing, by an attempt to break through the restriction just prescribed. The Chancellor at once interposed:—

He was of opinion that in pursuing that line of argument, the learned counsel had not complied with the instructions which had been notified to him as the commands of their Lordships. If their Lordships thought fit to allow such a latitude of argument, they certainly had it in their power to do so; but as a Peer of Parliament, he must say that he would not sit upon the Woolsack to listen to it.

Mr. Brougham resumed:—

He would persist in making the attempt to pursue that line of argument until he was silenced by the authority of their Lordships. In doing so he was only performing a sacred duty, which he owed to his illustrious client, and which his conscience informed him that no difficulty or danger ought to induce him to neglect. If prevented from performing it, he must certainly bend before their Lordships' power. Their Lordships, however, were used to be just.

The Lord Chancellor:—

Their Lordships are just, and have made their present order for the purpose of continuing so.

Upon this second check, Mr. Brougham gave a different direction to his argument.

Some discussion respecting the course of proceeding took place on the 10th, when it was arranged that the next stage of the bill should be taken on the 17th of August. On the 14th of July, Lord Erskine moved that the Queen should be furnished with a list of the witnesses against her: which motion was opposed by the Chancellor and other Peers, and refused. The next application was by petition from herself, presented by Lord Erskine on the 24th, requesting a specification of the place or places in which the criminal acts imputed to her were charged to have been committed. This prayer also was opposed by the Chancellor, among other Peers, and rejected. In both refusals, the Chancellor proceeded upon the general rules of law, denying the analogy of the peculiar proceedings in high treason.

Lord Eldon to the Hon. Mrs. E. Bankes.—(Extract.)

(Probably July, 1820.)

"I hope and trust justice will be done in the inquiry; and for myself, I am determined to look neither to the right nor

to the left, — to court no favour from any party, but, doing my duty faithfully and to the best of an unbiassed judgment, to preserve that state of comfort in my own mind which I have hitherto laboured not to forfeit."

The same to the same.

(July 15th, 1820.)

"It is not yet publicly known, though the fact is so, that Lincoln goes to Winchester. Exeter is most bitterly disappointed, and it is rumoured that the K. had repeatedly promised it to him, whenever it should be vacant. But you know I have always said that Kings' promises are not to be relied upon: in fact, they have less will of their own than any of their subjects have, and they are ill-used when they are reproached for breach of promise. For, in the nature of the thing, their promises can mean no more than that they will express a wish about the matter to the Minister for the time being; for no Minister could remain if he had not, to use a vulgar expression, his say about such a thing as the Bishopric of Winchester."

Two bills mitigating the criminal law, by the abolition of capital punishment in certain cases, were debated on the 17th and 18th, and after some alterations by the Chancellor, were passed into law. They are chapters 115 and 116 of the 1st of Geo. 4.

A bill was read a second time on the 13th of July for amending the Marriage Act, by giving validity, retrospectively, in certain cases of hardship, to marriages invalid by the existing law.

The Chancellor resisted this bill. He admitted, that relief had been properly given with respect to marriages in chapels which were not consecrated before the Marriage Act, because those marriages had been universally believed to be good, and the Legislature had acted on the principle that "communis error facit jus." But *this* bill would have the most injurious operation, by shaking those rights of succession to property on which the parties had calculated under the existing law.

The second reading having been carried, the Chancellor again opposed the bill on the 19th, when a motion was made for its re-commitment.

He said that if this measure did not amount to a total repeal of the old Marriage Act, he knew not what would. The mischievous effects of the proposed retrospect would go back not merely to yesterday — nor to ten nor twenty years ago — but to the year 1723. It made all marriages contracted since 1723 (however invalid and illegal they might have been), good and valid ones, unless the parents and guardians of the parties (although it might very well happen that many of them had no parents nor guardians at all) should have interfered and proceeded to prevent them. This bill, it appeared to him, went to take away the advantages of legitimacy from those who were legitimate issue, and to confer them upon the illegitimate. His Lordship concluded by expressing his conviction, that it was a measure calculated to affect the whole mass of private property in this kingdom, both as to succession and possession; and upon these grounds it was, that, striving rather to revise it than to defeat its primary object, he most humbly, most earnestly, and most solemnly entreated their Lordships gravely to consider the objects and nature of the bill, and to allow it to be brought forward in an amended shape at an early period of the ensuing Session.

These arguments prevailed, and the bill was defeated for that Session.

The Queen's trial, as it was usually called,—that is, the examination before the House of Lords into the truth of the recitals set forth in the preamble of the Bill of Pains and Penalties, — stood appointed for the 17th of August. The popular excitement continued unabated, and was even supposed to involve some personal danger to all who were connected with the proceedings: The present Lord Eldon says,—

" Having then been at home for my holydays as a

schoolboy, I well remember Townsend, the Bow Street Officer, coming to Hamilton Place more than once previous to the day of the trial, and begging the Chancellor not to expose himself to the danger of driving by the Mall and through the Horse Guards as usual, but to go by Birdcage Walk, which was not then a public carriage road, stating that he himself would appoint persons with the key of Storey's Gate to meet him there, whence he might more easily proceed to the House of Lords. But the Lord Chancellor Eldon of 1820 treated the whole matter as quietly as the Attorney-General Sir John Scott had treated the business of 1794; and on the appointed morning, the 17th of August, taking with him his surviving son and his grandson, the only persons in existence through whom his title could descend, and accompanied likewise by one of his official attendants, he drove down in perfect security, by his usual route, to the House of Lords. My uncle accompanied Lord Eldon on that occasion, naturally, from his own wish as a protection to his father in case of danger, but I could not have been of much service, being less than fifteen years of age; I had, however, been in the habit of accompanying him when he drove to the Courts of Westminster or Lincoln's Inn, and as I wished to see, from the residence of Mr. Bankes in Palace Yard, the arrival of the Queen and the Peers at the House of Lords, he readily permitted me to take my usual place in his carriage. The populace, that morning, broke the barriers which had been meant to exclude them from Palace Yard; nor were they removed thence by the Horse Guards who were called in to repress them. But this did not occur until after

Lord Eldon had gone into the House of Lords, nor was it attended with any material consequences."

The House of Lords being assembled for the purpose of proceeding with the bill, counsel were called in, and some preliminary arguments, debates, and divisions occupied the House until Saturday the 19th, on which day the Attorney-General, Sir R. Gifford, entered upon the charges which constituted the preamble of the proposed enactment. On the Monday the examination of witnesses began, and the case for the Crown went forward till the 7th of September, when it was summed up by the Solicitor-General, Sir John Copley. On the 8th and 9th the course of further proceeding was discussed, after which, on the latter day, the House adjourned to the 3rd of October in order to give time to the Queen for the preparation of her defence.

The privation of pecuniary means was not among the hardships inflicted on Her Majesty. On the contrary, she was furnished from the Treasury with ample resources, both for her defence and for her personal comfort. It was arranged also that a residence should be purchased for her by the Government; and the house at first suggested for this purpose was one in Hamilton Place, next door to that occupied by Lord Eldon. The intelligence of this proposal annoyed him inexpressibly, both on his own account, and, still more, on Lady Eldon's. Constant crowds would be gathering under his very windows, and they would be persons of a class very likely to make him the object of their noisy molestation. This he at once resolved that he would not endure, and he wrote to Lord Liverpool as follows: —

"My dear Lord,

"I understand, upon inquiry, that the transaction as to the Hamilton Place house cannot take effect without Government making themselves a party to it. I should be very unwilling to state any thing offensively, but I cannot but express my confidence that Government will not aid a project which must remove the Chancellor from his house the next hour that it takes effect, and from his office at the same time. I am confident that I can satisfy you that it could not reasonably be expected of me that I should adopt any other conduct if this matter takes effect, much as I should in every way wish to prove myself, Yours most truly,

"ELDON.

"I have no doubt that I could settle the matter by arrangement with the proposed vendor."

Lord Liverpool answered thus: —

"My dear Lord, "Coombe Wood, Sept. 3rd, 1820.

"I hope to be able to-morrow to set your mind at ease about the house in Hamilton Place. I have desired Colonel Stephenson * to prevent, if possible, the purchase of it by or for the Queen, and have little doubt he will succeed.

"Believe me to be, my dear Lord,

"Very sincerely yours,

"LIVERPOOL."

The neighbourly intentions of the Queen and her immediate friends toward the Chancellor were not to be damped by the Office of Works. A treaty for buying the house by means of private contributions, independently of the aid of Government, was instantly opened on her behalf by Mr. Alderman Wood; but it was as promptly counteracted by Lord Eldon.

Lord Eldon to the Hon. Mrs. E. Bankes.

(Sept. 6th, 1820.)

"The Queen, by her friend Alderman Wood and her city friends, was yesterday about to buy the Duke of Bedford's

* Of the Office of Works.

house in Hamilton Place, for the express purpose of annoying me. To defeat this, I managed, by a little advance in price, to buy it in the name of a friend, before Wood's contract was complete. I had no other means of preventing the destruction of my present house as a place in which I could live, or which any body else could take. The purchase money is large — but I have already had such offers, that I shall not, I think, lose by it."

In the short vacation afforded by the adjournment of the House of Lords, Lord Eldon paid a visit to Encombe. Writing thence to his brother, he says: —

"I was saluted at Ringwood by a collection of people, shouting into my coach, while changing horses, 'Queen 'Caroline for ever:' and I had the same salutation from passengers on the road. Here they have settled all matters, because they say, sweepingly, Italians are not to be believed. In short, the cause here is all against the King. I have long thought that the *effect* of recrimination will be produced, even if *evidence* of recrimination should be refused. But I wanted some scrap, to enable me how to argue the point whether it should be refused, for I can hardly escape being called upon to say something about it. In ordinary bills of divorce, they are not tendered to the House in the first instance by a Lord: the husband petitions for leave to have a bill brought in: the proceeding is therefore in the nature of *his* suit. As *against him*, it is fair to show that *he* ought not to be relieved; he is a party, in somewhat of a strict sense, in the proceeding; he has therefore no right to complain, if his actions are examined in that proceeding: of his actions, Commons, Lords, and King are to judge. But in *this* proceeding, the King is no petitioning party (more than one foolish thing has been said by those who should not have said it, attending to this circumstance) — the bill is not brought in upon leave *at his suit* — a Lord brings it in upon his own responsibility — might bring it whether *he* would or not — he has not, as a petitioner, placed himself in a situation in which *he* has *submitted* his actions to examination in a proceeding in which he can repel imputation by proof, even if, as a King, he could

submit his actions to examination—he has nothing to do, in form and upon principle, with the proceeding, till the bill is tendered to him for his assent to what Commons advise and Lords advise: they can't try his conduct.

"The received notion, that this would be treason if committed here, is to be looked to. Suppose it had been committed here, adultery on his part would have been no defence — could not have been given in evidence. See then what would be the case — she is convicted — does he pardon, so as to save her life? If he can't have a divorce because of adultery on his part, he must either let the law take its course against her, and divorce by execution, or take the pardoned traitor to his arms to love and to cherish.

"Notwithstanding all that can be said, I should, if I was to decide to-day, argue the case as if recrimination had been proved. But it is very essential to settle the point whether it should be admitted; for, whatever notoriety there may be in *this* case, it would be monstrous in *a possible* case to admit it: the case for instance in which, *after* shameful notorious adultery in a wife, the husband, suing for a divorce, had in a single instance, in an unfortunate moment, sinned,—righteous altogether before his wife's adultery."

On the 3rd of October, the House of Lords reassembled, and Mr. Brougham opened the Queen's defence. He was followed, on a subsequent day, by Mr. Williams, and, witnesses having been called on the part of the Queen, her case was summed up by Mr. Denman and Dr. Lushington. The Attorney and Solicitor General were both heard in reply, and on the 2d of November the Lord Chancellor opened the debate, on the motion for the second reading of the bill. The following extracts are from his speech, as given in Hansard's Parliamentary Debates, according to the original edition corrected by Lord Eldon himself.

He began by some observations upon the order of pro-

ceeding; and after expressing his opinion, that no man could properly vote for the second reading, unless he was satisfied that the allegation, in the preamble, of an adulterous intercourse, had been fully proved, he proceeded to make some observations upon the nature of the measure itself: —

"Much," said he, "has been urged in the way of objection "to that species of parliamentary proceeding denominated a "bill of Pains and Penalties. I will not detain your Lord- "ships by a long disquisition on the merits or demerits of "such bills. I wish, nevertheless, to say a few words re- "specting them. It has been repeatedly declared, in the "course of these proceedings, that such bills are not justifi- "able, unless in cases of extreme necessity, in which the "safety of the state is imminently endangered. Now, my "Lords, in looking back as far as the period of the Revolu- "tion, and I wish to confine myself within that period, I find "that such bills have been passed over and over again, when "there has been no such urgent necessity — no such pressing "difficulty. In some instances, indeed, such a necessity has "existed; but there are a great variety of cases, in which "there appears nothing of the kind. In a former discussion "on this subject, I took the liberty of saying, that a bill of "Pains and Penalties, provided the proceedings are properly "conducted, is more favourable to the accused than impeach- "ment — I am not asking at present whether it is or is not "more constitutional than an impeachment. When I say "'if the proceedings are properly conducted,' I mean when "the inquiry is carried on according to the ordinary rules of "evidence, and the decision is governed by the ordinary prin- "ciples of law. What is the nature of an impeachment? In "an impeachment, the proceeding in the House of Com- "mons must be an *ex parte* proceeding. One vote must "decide the question; and, if that vote should be erroneous, "the error is final.* The proceeding is not similar to one "before your Lordships. In the House of Lords we have the "means of pursuing an inquiry according to the ordinary "rules of evidence, given upon oath, and we are governed by

* Final, as far as respects the House of Commons.

" the ordinary principles of law. In the House of Commons, " there are no such means; yet without those means they are to " pronounce whether the accused person is guilty or not guilty. " That question is decided by only one vote; and if that vote " should be erroneous, the error is without remedy. But how " is it, my Lords, in the case of a bill of Pains and Penalties? " In the first place, the question undergoes an examination in " *both* Houses, — not, as in the case of an impeachment, an *ex* " *parte* examination in the House of Commons; but an examin- " ation in which the evidence is heard on both sides; an ex- " amination, in which an opportunity is afforded for scrutinising " the facts; an examination in which the error of to-day may " be corrected to morrow, and the error of to-morrow may be " corrected the day after. It has been urged, and with con- " siderable weight, that by adopting the present course of pro- " ceeding by a bill of Pains and Penalties, we submit the " judgment of this House to the judgment of the House of " Commons. But, my Lords, are we not doing this in the case " of every Divorce bill, which originates in your Lordships' " House? I do not state now whether this will be a divorce " bill or not; that is a subject for after-consideration. The " case might have been much more anomalous, had the pro- " ceeding been first by impeachment, and afterwards by a bill " brought in upon the verdict of guilty on impeachment. If " that mode of proceeding, by two measures instead of one, " had been adopted, might you not have involved the House " of Commons in a contradiction, if either on a bill originating " with them after a conviction on an impeachment, or on a " bill so originating with this House, the House of Com- " mons, examining evidence on *both* sides of the question, " should come to a different conclusion, from that upon which " they voted the impeachment upon hearing the evidence of " one side only.

" But, passing this by, I come to another objection which " has been made, and made with much emphasis, to the course " that has been pursued in this case; namely, that the accused " party was not furnished, in the first instance, with the speci- " fication of the charges, and with a list of the witnesses by

" whom those charges were to be supported. I mention this, " my Lords, because it has been argued that, in consequence " of this omission, the party accused has been placed in a situ- " ation of difficulty; and because I am perfectly ready to ac- " knowledge that, when it shall appear that any such difficulty " has existed, it is your Lordships' duty to give the party " accused the benefit of that fact, and proportionably to incline " in her favour. But we ought not to raise up visionary diffi- " culties where no real difficulties exist. My Lords, I ask in " what possible way could the list of witnesses have been " communicated so effectually as by producing those witnesses " at your Lordships' bar, and then postponing the defence, " which the accused party was called upon to make, to the " period to which that party wanted or chose to postpone it? " I am prepared to admit, that the immediate cross-examination " of a witness may be of great advantage; and with regard " to the absence of Restelli, I have already given my opinion; " but I say, that the loss to the accused party of an immediate " cross-examination is by no means equal to the benefit of " hearing the whole case and trial as against her, and then " giving her the opportunity of meeting the charges and com- " mencing her defence whenever she pleases. The benefit " derived from the one privilege is next to nothing, as com- " pared with the immense benefit resulting from the other.

" My Lords, you are, in this important case, bound to attend " to one of the great principles of British justice — principles " which are inseparably connected with every part of our Con- " stitution, and which, if you once relinquish them, I fear you " will never regain, or find any thing to console you for their " loss; — I mean that, in every case of charge, you are to " recollect that accusation is no proof of guilt. An accused " person may, nevertheless, be an innocent person; and your " Lordships are bound to consider an accused person an inno- " cent person, until guilt has been satisfactorily proved. So " also, either in this form of proceeding, or in the way of im- " peachment, or under whatever shape an accusation may " assume, it is your Lordships' bounden duty to pronounce an " accused party innocent, unless you are perfectly satisfied " that the guilt of that accused party has been established by

" evidence. You are, likewise, my Lords, in looking at the " nature of the evidence, to consider the peculiar difficulties " which may belong to this case. My Lords, you will recol- " lect it has been urged that there has been, and there may " have been, and indeed it may be taken for granted that there " has been, much more facility with respect to the production " of witnesses in support of the charges than with respect to " the production of witnesses in answer to them. Of that " fact, if your Lordships are of opinion that such is the fact " (and I do not say that it can be denied), the accused ought " to have the full benefit. Your Lordships have also to " consider the circumstances which have been disclosed with " reference to Restelli. The imputations upon him may have " been founded in mistake; or, on the other hand, there may " have been — there have been, if you please — corrupt en- " deavours on the part of that and of other individuals to " produce, by bribery and subornation, testimony in support " of the allegations in the bill. Of that fact also, if it be a " fact, the accused ought to have the full benefit; not only " as it may operate to induce your Lordships to lay aside " that particular testimony to which it directly applies, but " as it may operate to induce your Lordships to regard with " some suspicion the testimony even of those witnesses to " whom it does not directly apply. Of all these considerations " the accused party ought to have the full benefit. Your Lord- " ships ought to approach the consideration of the evidence " with all that sincere disposition to scrutinise the testimony " that has been adduced in support of the accusation, which " is justly due to the illustrious individual accused.

" But, my Lords, the ground of the opinion which I am about " to state to your Lordships is this: — Laying aside all the " testimony in this case, which can by possibility be suspected, " I ask myself this question — 'Does the unsuspected evidence " which has been produced in support of this bill, and does " the testimony which has been produced in reply, together " with the negative evidence, or the want of that evidence " which might have been produced in reply; — I say again, " laying aside all evidence liable to suspicion or which has " been contradicted, does the unimpeached testimony which

" has been produced on the one side, — connected with the " positive testimony, and the negative testimony, or want of " evidence which might have been produced on the other, " — support the allegation of an adulterous intercourse, or " does it not?'

" The course which I shall take is of this nature; and I am " now about to state the opinion, which, after the most painful " and anxious attention, that course compels me to form. I " apprehend then — at least, my Lords, so it seems to me — " that, if we look at one or two of the cases or circumstances " which have been proved at your Lordships' bar, by witnesses " entirely beyond suspicion, to whom suspicion has never at- " tached during the whole of these proceedings, and if we then " look at the situation and history of the person with whom " the act of adultery is alleged to have been committed — it " appears to me, from this view of the subject, — I am very " sorry to say it, but I cannot shrink from the duty of saying " it, — that we cannot possibly draw any other inference, but " that there has been an adulterous intercourse.

" My Lords, with respect to the negative evidence for the " bill — the want of contradiction to the evidence in support of " the bill — it is my duty to say, that I have frequently thought " more effect has been given than ought to have been given, in " what is called the summing-up of a judge on a trial, to the " fact, that there has not been the contradiction on the part of " the defence, which it is supposed the witnesses for the accu- " sation might have received. For, my Lords, we ought to " look at the circumstances of a case, in which this absence of " contradiction occurs. It may often happen that, in the course " of a trial, circumstances are proved, which have no bearing " on the real question at issue; and it may also happen, that " facts are alleged and sworn to by witnesses, which it is im- " possible for the accused party to contradict; circumstances " may be stated by witnesses, which are untrue; yet they may " not be contradicted, because the party injured by them, not " expecting that that which never had any existence would " be attempted to be proved, cannot be prepared with op- " posing witnesses. So also, in cases in which an individual " witness speaks to occurrences at which no other person was

" present but himself. There it may be absolutely impossible " to contradict him. But, my Lords, in a case in which the " facts sworn to by a witness are sworn to have occurred in " the presence of many individuals, and when those individuals " (which we know to be the case in the present instance) who " are within the reach of the party whose interest it is to con- " tradict such testimony, are not produced, then the want of " that contradiction becomes a matter of great importance, and " for many reasons. I have no right to impute to any man " that he has given false and perjured testimony, when other " persons were present at the period to which his testimony " refers, whom I have the power to call but whom I decline " calling. Unless I call those persons to contradict the witness, " he is clearly entitled to credit. In my opinion, such a cir- " cumstance is a tacit admission of the fact by those whose in- " terest it is to contest and deny it. If they do not contradict " the fact by testimony which they have the means of producing, " they tacitly admit, that it is incapable of contradiction. The " party who declines to avail himself of such an opportunity of " disproving the evidence on the other side, so far from being " entitled to impugn that evidence, confers additional credit " upon the testimony which he thus leaves uncontradicted.

Lord Eldon then entered into an examination of the evidence upon this case in its principal points, and having stated them in outline, he concluded thus: —

" Such, my Lords, is the view in which I regard this great " question. There are many points of the case to which I " have not alluded, and to which I do not intend to allude. " But taking into my consideration all that has been sworn " by unimpeached and uncontradicted witnesses; adverting to " what passed both while her Majesty was on board the Polacre, " and before and after that period, at Aum, the Barona, the " Villa d'Este, Carlsruhe, Catania, and elsewhere; referring to " the various acts of familiarity which have been proved, and " which there has been no attempt to deny; and recollecting " the rapid and extraordinary promotion of this man and his " family, and their having been all brought about her Majesty's " person, with the exception of his wife, — I cannot withdraw " myself from what appears to me to be an imperative duty,

" namely, to express my firm belief that an adulterous inter-
" course has taken place. I express that opinion, because,
" although the positive act of adultery has not been seen, and
" could not be seen, it is the language of the law that, if the
" circumstances are such, that a reasonable and plain man,
" addressing his mind dispassionately to the consideration of
" those circumstances, and to the principles of conduct by
" which human nature is governed, cannot but infer the com-
" mission of the crime, it is sufficient; although the absolute
" fact itself has not been proved. Of the maxims of law, as
" to legal presumptions, I am sure. Whether or not your
" Lordships think that such a case as that which I have
" described has been made out is another question.

" One word more, my Lords, and I have done. As to what
" has passed, or is passing out of doors, I will take no notice of
" it, for I am not supposed to hear it, or to know anything
" about it; only this I will say, that, whatever has happened,
" or whatever may happen, I will perform my duty here. But
" in the course of this solemn inquiry, your Lordships have
" heard from the bar of this House, what I was very sorry to
" hear, and what I believe was never before addressed to a court
" of justice. Something like a threat was held out to your
" Lordships, that if you passed judgment against the Queen,
" you would never have the power of passing another judg-
" ment. I do not profess to use the words of the speaker, but
" the impression is distinct upon my mind. My Lords, how-
" ever that may be, I will take upon myself to declare that an
" address of such a nature, such an address of intimidation to
" any court of justice, was never until this hour considered to
" be consistent with the duty of an advocate; and that such
" an address, whether an advocate has a right to make it or not,
" ought to have no effect whatever on your Lordships. You
" stand here as the great and acknowledged protectors of the
" liberties, the character, the honour, and the lives of your
" fellow-subjects, and you cannot discharge that high trust a
" moment longer than while you can say to one another,—
" and for myself, if I had not a moment longer to live, I would
" say to you—'Be just, and fear not!' My Lords, I know
" the people of this country. I am sure that, if your Lordships
" do your duty to them, by preserving their liberties, and the

" Constitution which has been handed down to you from your " ancestors, the time is not far distant when they will do their " duty to you; when they will acknowledge that those who are " invested with the great judicial functions of the state ought " firmly to meet all the reproaches to which the faithful per- " formance of those functions may expose them; to court no " popularity; to do their duty; and to leave the consequences " to the wisdom and justice of God, who guides the feelings " and actions of men, and directs the course and consequences " of all human affairs. My Lords, I have shortly stated my " opinion and the grounds of it. Having thus discharged my " individual duty, it is for your Lordships to declare what it " is your pleasure to do with the bill before us."

After a debate of four days, the House divided, on the 6th of November: —

Content - - -	123
Not content - - -	95
Majority for the second reading -	28

The smallness of this majority, in a House where 218 Peers were present, gave rise to a very general anticipation that ministers would abandon the measure. Lord Eldon strongly deprecated such a discontinuance.

Lord Eldon to Sir William Scott.

(1820, probably the beginning of November.)

" Dear Brother,

" I complain not only of a deadly want of energy in the public, but a want of it in the Administration. Most expressly I complained of the latter want. I think, if the latter did not exist, we should not see quite so much of the former; whereas most of those who are infected with the latter, attribute their own conduct, I think erroneously, to necessity arising out of the apathy of the former.

" How is it possible that Ministers can help the propagation of reports? How is it possible that they can avoid determinations, in given cases, to go out? Their friends, as

they call themselves, are constantly complaining that the Cabinet don't let them know how much they make a point of this or that matter, excusing their lukewarmness and their non-attendance, because they were not informed that this or that point was material; if they had been so informed, oh! they would have been in their places and have given the most entire support! Ministers are, therefore, driven to state upon what they put their existence, to those they believe to be their friends; but it does so happen, that some of those whom they fancy to be such are living with all parties, wishing to be well with all parties, and therefore, some studiously and some by surprise upon themselves, giving to the opponents of Ministers the information which Ministers meant to give exclusively to friends, and which they have been compelled to give them. It is some such friend who has told Brougham, or the person whoever he may be, what has been told to Lady ——, who has been as willing as anybody to keep herself out of a scrape, of being a witness on a late occasion. If Ministers do mean to insist upon the Queen's being kept out of the Liturgy, could they permit all whom they call friends to be pledging themselves, before Parliament meets, that they, their friends, will make no point of the Liturgy? The King may be false, but he has told me twenty times, and within these forty-eight hours once, that he will take no Ministry that will introduce her into the Liturgy. I have no reason to believe, nor do I believe, that the King has sent for Lord Spencer.

"I only add, that I know the Ministers think they have been driven by lukewarmness of friends (excusing it by complaining that communications were not made to them of points on which they put their existence) to communicate what it may now be represented to have been very foolish to communicate. I think withdrawing the bill, if anything has that effect, is what will destroy the Administration, to whatever cause the friends or foes of Administration, or neutrals, may attribute it. Yours affectionately,

"ELDON."

The next day, the 7th, was appointed for the Committee on the bill. On that day, a paper in the

nature of a protest was presented by Lord Dacre on behalf of the Queen.

The Chancellor said, that after the second reading of a bill containing matter of accusation, the accused had a right, by the rules of the House, to be personally heard; but that in strictness no protest could be received from any one not a Member of the House. He moved, however, that, under all the circumstances, this paper should be received; and it was received accordingly, "as a representation of what her Majesty wished to state further in her defence in the present stage of the bill."

The House then went into Committee. Upon the divorce clause,

The Lord Chancellor said he did not see how, after having pronounced the Queen guilty, their Lordships could stop in this stage of the bill. To degrade her Majesty without divorcing her, would be to draw the bonds of connection between her and the King closer. One of her Majesty's rights or exemptions was, that she was considered a *femme sole;* that she could hold property in her own name; that she could sue and be sued as a single woman. But if she was degraded from her rank, her rights, privileges, and exemptions, then she would become, as wives in ordinary cases, solely dependent on her husband. If the House did not think that this clause should stand part of the bill, would it not be proper to make the separation effectual which at present depended on a civil contract, supported, as that separation had been, by the consent and approbation of his late Majesty? He would declare in conclusion, that no man had ever been guilty of more cruelty and injustice than he had been in acting upon the evidence in divorce causes, if the testimony now upon the table was not sufficient to support the clause under consideration.

The discussion on the divorce clause was resumed next day, when,

The Chancellor agreed that if that clause was generally objectionable to the religious feelings of the community, it ought not to be pressed, though he himself was of opinion

that it would be better retained. But if it should be omitted, the House ought to supply its place with some other clause, which should render the measure consistent with itself: which, while it left the religious contract unaffected, should annul the consequences of the civil contract, keeping up the separation which had in fact existed *à mensâ et thoro*, though not releasing the parties *à vinculo matrimonii*.

The divorce clause was carried by a large majority: and the bill, having gone through Committee on the 8th, was reported on the 9th. On the evening of that day, Lord Liverpool communicated to the Cabinet his opinion that it would not be expedient to proceed any further with the measure. This intimation produced some discord; and Lord Liverpool appears to have been so much annoyed at the Lord Chancellor's opposition to the proposal of relinquishment, as to have replied upon him with some tartness. The pulse of the House, however, was to be felt before the final decision to withdraw: and accordingly on the next day, the 10th of November, the Ministers in the House of Lords supported the third reading. During this debate, Lord Liverpool requested Lord Eldon to speak upon the inferences to be drawn from circumstantial evidence, which he did with great force. Among his papers has been found a little note, handed to him in the House of Lords by Lord Liverpool, immediately after his speech. On the back of it, in Lord Eldon's handwriting, are the words "Lord Liverpool," with the following memorandum:—

"Liverpool asked me to speak in the H. of Lords upon circumstantial evidence on the last day of the Queen's trial. I did so. He then handed this to me, apologising for angry language at Cabinet the night before, when he communicated his intention of relinquishing the business."

The words of the note itself are simply these: —

"Most admirably: I am much obliged to you for it: and sorry if what I said last night gave you pain.

"The Chancellor." "L."

No argument, however, was of power to countervail the popular cry in the Queen's favour. The majority, which had been 28 for the second reading of the bill, was now, on the question for its third reading, reduced to 9. Such an indication of feeling, in the House of Lords, was conclusive against the chance of success in the House of Commons: and therefore, instead of making the motion which is usual after a third reading, "That the bill do pass," —

Lord Liverpool stated, that although the Government would have thought it their duty, had the third reading been carried by a majority equal to that which had sanctioned the second, to persevere in the bill, they did not conceive, when the opinions of the Peers were so nearly balanced as this last division had shown them to be, and when the public feeling was also taken into the account, that it would be expedient to press the measure any further. He moved therefore that the consideration of it should be deferred to that day six months.*

This abandonment was unsatisfactory to the Chancellor and many other members and friends of the Administration; but it had now become obviously inevitable, and the House acceded to it without a division, and without any expressed dissent except that of the Duke of Montrose.

The House of Commons had adjourned to the 23rd of November, on which day the prorogation was pronounced by the Lord Chancellor.

Lord Eldon to the Hon. Mrs. E. Bankes. — (Extract.)

(Probably Nov. 1820.)

"I thought it wholly inconsistent with the dignity of the House of Lords to close the most solemn inquiry ever enter-

* In other words, for ever.

tained in that House, by doing nothing. The bill should either have been rejected or passed. But to have upon our Journals four different resolutions, all founded upon our avowed conviction of her guilt, and then neither to withdraw those resolutions, nor to act upon them, appears to me perfectly absurd, and, both to the country and to her, unjust. To her surely it is so. We condemn her four times; she desires at our bar that we will allow her to be heard in her defence before the Commons; we will neither do that, nor withdraw our condemnations; for, though the bill is withdrawn, the votes of condemnation remain upon our journals. This is surely not pretty treatment for a lady. Report says that in a petition, which Lord Dacre would have presented if the bill had not been withdrawn, she signs herself thus :—

'Caroline, Queen in spite of you.'

This thing, which has so long kept the country in a state of agitation, will probably die away like all other nine days' wonders — except that, when Parliament meets, Ministers will be abused heartily, and some witnesses on both sides will be prosecuted for perjury."

Beside the Ministers, there was another functionary whom the King's opponents assailed with much bitterness for his part in the proceedings against the Queen. This was the Vice-Chancellor of England and Chancellor of the Duchy of Cornwall, Sir John Leach. The following is a copy of his own statement, furnished to Lord Liverpool, and by Lord Liverpool communicated to Lord Eldon.

("With Lord Liverpool's compliments to the Lord Chancellor.)

"Dec. 6th, 1820.

"In the autumn of 1817, a large mass of papers, containing information, from private and public sources, with respect to the Queen, were, by command of his Majesty, then Prince Regent, laid before me, to report thereon, in my capacity of Chancellor of the Duchy of Cornwall, and as such, the first law officer of the Prince Regent in his individual character.

"Until the delivery of those papers, I was an utter stranger

to the whole subject. A considerable part of those papers were delivered to me from the office of the Secretary of State for Foreign Affairs.

"My report upon these papers was to this effect:—'That although the papers contained matter of grave and serious charge against the Queen, yet, considering the great importance of the subject and the nature of the case, it appeared to me to be expedient that proper researches should be made in the countries where the Queen had resided, and through which she had travelled, for such further information as might exclude all doubt with respect to the character of her conduct.'

"This report was submitted to the Cabinet, but the mission to Italy, usually described as the Milan Commission, which followed upon this report, was not a Cabinet measure.

"The gentlemen employed upon this mission were selected by me, in communication with the Lord Chancellor and Lord Liverpool, who approved of my selection. Lord Liverpool engaged that the expense of the mission should be provided for by the Government; and the mission was, by letters from the office of the Secretary of State for Foreign Affairs, placed in communication with the public authorities in the countries which they had occasion to visit.

"The object of the mission being to ascertain with certainty what the conduct of the Queen had been, and whether it were capable of clear and satisfactory proof, it was of the utmost importance that the gentlemen employed should be of a description to guard the King and the Government against the danger of being misled on those points.

"I explained to Mr. Cooke the high importance of the mission in this respect, and it was from that view of the subject he was induced to undertake it.

"I state, without the hazard of question, that there is no member of the profession more eminently qualified than Mr. Cooke for the real object of the mission, nor more incapable of being the instrument of an unworthy purpose.

"The mission assembled at Milan in the month of September 1818, and they transmitted to me, from time to time, copies of the evidence as they collected it; and these copies,

as they were received, were regularly communicated to Lord Liverpool.

"The report of the mission was made on the 10th July 1819, and was immediately submitted to the Cabinet.

"It has been confidently asserted that I went myself to Milan in prosecution of the inquiry into the Queen's conduct. This assertion is utterly false. I am in the habit of excursions to the Continent; and in the summer of 1818, in company with two private friends, I made a rapid tour through the north and a part of the south of Italy, returning by the Tyrol, and being upon the whole absent from Dover three days less than eight weeks.

"I visited Milan, as I visited Florence. I was not at Milan eight and forty hours, and neither there nor elsewhere on the Continent, did I communicate with a single person upon the subject of the Queen.

"The mission was appointed before I quitted England, but did not assemble at Milan until about a month after I left it."

One public benefit Lord Eldon extracted from these unfortunate proceedings. The nature of it will be best understood from his own words, as they are found in his Anecdote Book: —

"In Westminster Hall we have always considered a stict adherence to the Rules of Evidence as a great security, and a necessary security, for the property, character, and lives of parties affected by proceedings in suits, indictments, &c., not because they *are* Rules of Evidence, but because sound reason, it was conceived, required that *such* rules should be established and strictly adhered to. In Parliamentary proceedings on the other hand, Impeachments and Bills of Pains and Penalties, testimony has frequently been offered, and often received, which, according to those rules, would not have been admitted in the courts below, and this seems to have been done under the notion that the public interest required that great

State offenders should not escape punishment because their offences could not be proved according to strict rules of evidence; and the '*salus populi*,' upon such occasions, has been acted upon, or supposed to be acted upon, as the '*suprema lex*.' To say the least, is it not questionable whether such proceedings are just, and whether this maxim, '*salus populi suprema lex*,' has not often been acted upon in perfect abuse of the subject's right to have his conduct examined by those rules of law which are his guides as to what he may do, and what he is not at liberty to do? In the proceedings upon the Bill of Pains and Penalties against Queen Caroline, proceedings perhaps more just than prudent, I presided;—and determined, before they began, that no provocation should disturb my temper, being aware that this was intended to be severely tried—and, what is of more importance, I resolved, if possible, not to permit any evidence to be received which would have been rejected in Westminster Hall. My first purpose, I believe, was fully, though with great difficulty, accomplished. With respect to the latter, by putting questions upon evidence, as occasion required, to the Judges, and having reasons fully assigned by them for their opinions, I established a precedent with respect to evidence in such a proceeding, which perhaps may be said to have rendered it an useful proceeding."

This last clause would have been more accurate, both as to the truth of the matter and probably as to Lord Eldon's real meaning, if it had been worded, "*so far* an useful proceeding;" for surely, except as to this one technical and comparatively unimportant result, the whole investigation deserves to be accounted,

as the people of England have generally accounted it, among the most unfortunate passages of our domestic history. It was a procedure not only productive of great discredit to the two personages most immediately concerned, but prejudicial to the interests of Monarchy itself,—injurious to private decorum, which was startled by the grossness of the facts disclosed in the evidence,—and degrading to public justice, whose general principles were borne down by the unpopularity of this particular inquisition.

The majority of the nation, in whose eyes the former grievances of the Queen were, naturally enough, a sufficient answer to all the present charges against her, threw a good deal of odium, not very well merited, upon the immediate prosecutors, the Ministers of the Crown. Mr. Canning, having been on terms of intimacy with her Majesty, and feeling himself consequently precluded from taking any part at all against her, stood aloof from the whole proceeding, and when he found that the prosecution of the charge was unavoidable, resigned his office of President of the India Board, where he was succeeded by Mr. Charles Bragge Bathurst. The other Ministers had hardly so much as a choice of evils. They could scarce have been justified in evading, by a relinquishment of their offices, the duty of taking issue upon this matter; for the Queen had herself insisted upon bringing it to such a point as made the whole question no longer a personal one between her and the King, but a public and constitutional one between her and the country. This distinction should always be borne in mind when the conduct of the Ministry in this affair is reviewed. Her Majesty, when Princess of Wales, had received from her consort a treatment

which would justly have estopped him, in his mere character of husband, from the right to complain of any subsequent levity of hers; and prudence, undoubtedly, required him to make every concession of ceremonial which might induce her to remain quietly abroad, and so to save herself and him from the discredit of publicity. Indeed, until the death of George III., the Ministers had actually restrained the Prince within the bounds of this discreet policy. But when, on the demise of the Crown, the Queen, *declining the negotiation* attempted with her at St. Omer's, came to England with her defiance, and advanced her claim to those royalties which, if the widely circulated rumours of many years had any the smallest foundation, she could not have been suffered to assume in this country without a plain sacrifice of public decorum and constitutional principle, — then, the Ministers, in the execution of their official trust, had no alternative but to communicate with Parliament. Even in this advanced stage, all mischief might yet have been stayed, if she would have adhered to that basis which, with a view to the compromise then recommended by the House of Commons, had been mutually arranged by the negotiators on her part and the King's, — that "the Queen must not be understood *to admit*, or the King *to retract*, any thing." But the misfortune was, that her Majesty, relying on the popular excitement in her favour, and flattering herself with the frail hope of the multitude's constancy, refused to accept any terms not including a royal reception for her at a foreign Court, and the restoration of her name to the Liturgy, or some equivalent, — that is to say, something which would have substantially admitted

that the charges of her accusers had been groundless, and consequently that all they had done against her had been unjustifiable. This course of hers, being virtually a demand of the very *retractation* precluded by the preliminary arrangement, left no choice to the Government but to take her at her word and institute the inquiry so pertinaciously challenged by herself. However true it may have been, as between her and her consort, that he was the original aggressor, no less was it true, as between her and the country, that she had now become the moving party, — the demandant of honours and privileges at the hands of the State, to which her title seemed palpably unsound, yet for which she would accept no compensation, and from which she defied her accusers to debar her. The trial, therefore, when at length resolved on, was a step taken, not, as was alleged, for the final destruction of a long-persecuted victim, but for the defence of the country against claims, which, while the charges remained unanswered, *could not* decently be granted; and the Ministers, who, at an earlier period, had rightly declined to take any steps against her for the mere personal satisfaction of the King, no less rightly refused to connive at the triumph which she was seeking, by violence and agitation, to achieve, at the expense, not merely of the King her consort, but of the Crown, the Constitution, and the State. Heavy blame, undoubtedly, there was, upon the side opposed to her; but it lay not with the Administration, who reluctantly and unavoidably instituted the trial, but with him whose original maltreatment of her had induced, and did assuredly go far to extenuate, whatever indiscretions and errors she afterwards committed.

CHAPTER XLIII.

1820, 1821.

EPISCOPAL PROMOTION. — LETTER FROM DUKE OF WELLINGTON. — LORD ELDON'S CABINET DINNER: LETTERS OF LORD ELDON AND SIR WILLIAM SCOTT. — BIRTH OF A DAUGHTER OF THE DUKE OF CLARENCE. — WELSH BRIBE. — DECLINE OF QUEEN'S POPULARITY: LETTERS FROM THE KING TO LORD ELDON, AND FROM LORD ELDON TO MRS. E. BANKES. — LITURGY. — CATHOLIC QUESTION: LORD ELDON'S SPEECH AND LETTERS TO SIR WILLIAM SCOTT. — GRAMPOUND DISFRANCHISEMENT. — MOTION OF MR. M. A. TAYLOR ON ARREARS IN CHANCERY. — PREPARATIONS FOR CORONATION: LETTERS FROM LORD ELDON TO MRS. E. BANKES: EARLDOM CONFERRED ON LORD ELDON: TERMS OF PATENT: LETTER FROM HIM TO THE KING, AND THE KING'S ANSWER. — DESCRIPTION OF THE GREAT SEAL. — CEREMONIAL OF CHANCELLOR TAKING SEAT IN HOUSE OF LORDS ON PROMOTION TO EARLDOM. — SIR WILLIAM SCOTT CREATED LORD STOWELL. — CORONATION: CIRCUMSTANCES RELATING TO IT. — LETTERS, FROM GEORGE IV. TO LORD ELDON, AND FROM LORD ELDON TO LORD STOWELL.

In the preceding summer, a learned prelate, who held the Deanery of St. Paul's with his Bishoprick, was translated to the higher See of Winchester, on which event he vacated his Deanery. Soon after this promotion, says Lord Eldon, in his Anecdote Book, "His Majesty told me, Lord Liverpool applied to him to bestow the Deanery upon Dr. Van Mildert, stating, that the Deanery house had been much neglected; that it was greatly out of repair, by reason of non-residence in it; that, the late Dean not residing in it, there had been little attendance of the Dean at St. Paul's, and the Cathedral therefore also had been

very ill regulated, as to service, &c.; and that Dr. Van Mildert had agreed to put the house into repair and good order, to reside in it several months in the year, and during that residence to attend St. Paul's constantly. The King told me that he answered Lord Liverpool's letter, by stating, that he readily agreed to Dr. Van Mildert's succeeding to the Deanery upon these terms, and that he supposed that the neglect of the Deanery and the Cathedral had induced Lord Liverpool to recommend the late Dean to the opulent see of Winchester."

The King's jest is well enough; but the fact seems to have been, that Lord Liverpool, who always exercised a most conscientious discretion in his Episcopal promotions, did not discover the disorders of the Deanery and Cathedral, till, by the departure of the Dignitary who had permitted them, the tongues of his subordinates were set at liberty.

The following letter to Lord Eldon adds one more to the countless instances of the Duke of Wellington's solicitude for the interests of the public and for the claims of those by whom the public has been efficiently served: —

The Duke of Wellington to Lord Eldon. — (Extract.)

"Stratfield Saye, Nov. 13th, 1820.

* * * * * *

"Mr. Briscall is a gentleman of education and character, who served for twelve years as Chaplain at the head-quarters of my army, and was in truth at the head of that important department; and when I gave up the command, he was put upon Chaplain's half-pay, and would have starved if I had not obtained for him from the Rector the Curacy of this parish. Out of his stipend he supports his mother and sisters.

"I will not detain your Lordship by enumerating his ser-

vices; but I must say this for him, that, by his admirable conduct and good sense, I was enabled more than once to get the better of Methodism which had appeared among the soldiers, and once among the officers; and yet I could not, at the close of his service, from the beginning of the year 1808 to the commencement of 1819, prevent this gentleman from being put on half-pay as an army Chaplain; and I have not been able to obtain any thing better for him than the curacy of the parish of Stratfield Saye, although he is the only person whom I have ventured to recommend in his line.

"I shall be very much obliged to your Lordship if you will take Mr. Briscall's claims into your consideration. Make any inquiries you please about him. He was educated, I believe, at Brazennose College, Oxford; but I really think that there is no instance of a person, who has served so long in such a situation, and so recommended, who has not in some manner been provided for.

"Ever, my dear Lord,

"Yours most faithfully,

"WELLINGTON."

It will easily be conceived that this appeal was not made to the Chancellor in vain. He had no suitable preferment at that moment in his disposal; but he caused an arrangement to be made, in the nature of an exchange, by means of which Mr. Briscall was placed in the living of South Kelsey in Lincolnshire.

Lady Eldon was not fond of general society, and saw little company at home; but when the Chancellor had to receive his colleagues, she took a pride and pleasure in entertaining them suitably. Her Lord gives her great credit for this.

Extracts of Letters from Lord Eldon to the Hon. Mrs. E. Bankes.

"Nov. 23rd, 1820.

"We are all well, safe, and quiet, only in a fuss, the morning after our Cabinet dinner, which was by far the

handsomest that any Minister has given in my time. Mamma really did this most magnificently."

(Nov. 1820.)

"Sir William heard so much of my Cabinet dinner, that he invited himself to dine yesterday on the *scraps*."

(1820 or 1821.)

"Sir William is complaining much, and has been at home since Monday in a feverish complaint. I hope he will soon get about again; but at his years, it is impossible he should be well, if he does not live more carefully — by that I mean more, much more abstemiously; and, upon the necessity of so doing, all my sage advice is thrown away upon him, though I give him great plenty of it, and all without fee or reward. His mornings, therefore, are spent in complaining — his evenings in laying the foundation of complaint — when he can go out; this week he has been obliged to stay at home, and we must make much use of that fact as the ground of a lecture, which may have some lasting effect."

Even when Sir William stayed at home, he seems to have lived well. One very liberal contributor to his larder was Mr. Commissary Gordon, who seems indeed to have been unremitting in the consignment of grouse to both the brothers. Sir William writes thus to him at the close of 1820:—

Sir W. Scott to Mr. Commissary Gordon. — (Extract.)

"Many thanks for your excellent grouse, — which arrived in the best order, for my brother and myself. I know they are the last of the season, and a most productive season it has been to us by the aid of your friendship.

"I shall be very glad to hear of your loyal addresses coming up. We want to be re-inforced in our spirits by friendly declarations from respectable bodies and individuals. The Whigs appear too much disposed to a coalition with the radicals, in order to compel the King to dismiss the Ministers, and that coalition is of itself a sufficient reason for a

firm resistance to their admission into power; *for they will be compelled to make very unpleasant concessions to their new allies, at the expense of the Constitution.*"

Lord Eldon to the Hon. Mrs. E. Bankes. — (Extract.)

"Saturday morning (probably 1820).

"I should like to have been with you, either at little canny Petty France, or at a place — I think they call it Froster (Frocester) — a village below a hill, from which there is a wonderfully fine view of the vale which divides England and Wales. I used, in days of yore, to enjoy those snug inns. Bath is very well worth seeing — and York House used to furnish very pretty eating and drinking — but the quiet of those little places which I have mentioned, with their homely fare, used to delight me more than the seats of the fashionable, and the luxuries of the great; and so they do still."

The same to the same.

(Not dated; written probably Dec. 12th, 1820.)

"I had not mentioned to you that I was the only Cabinet Minister and Councillor who was in time to attend the Duchess of Clarence on Sunday evening *, when she brought into the world a presumptive heiress to the Crown. She is christened by the name of Elizabeth Georgiana. I hope the bairn will live: it came a little too early, and is a very small one at present; but the doctors seem to think it will thrive; and to the ears of your humble servant it appears to be noisy enough to show it has great strength. Nobody in the room at its birth, but the doctors, the nurse, and the Chancellor."

The Chancellor's good wishes for the little Princess were not fulfilled: she died in early infancy. —

Lord Eldon to the Hon. Mrs. E. Bankes. — (Extract.)

"Jan. 8th, 1821.

"I have had a letter from a Welsh-woman, sending me, in a basket, a copy of a will and pedigree, for my advice. You will say, why send the papers in a basket? Therein

* Dec. 10th.

she sends also a goose; but, in her letter, expresses a grave hope that her munificence will not incline me to be therefore more favourable in my opinion, and assuring me that she does not mean it as a bribe. I think Taffy, the Welsh-woman, will be much surprised when she receives my letter, informing her, that being a judge, she might as properly apply to her goose for advice as to me."

Lord Eldon records this Welsh present in his Anecdote Book; adding, "This was, I think, the only thing in my Chancellorship that looked like an application for undue favour: except, that an anonymous person offered me twenty per cent. upon several thousand pounds, if I would decree in his favour; but I never could find out who that person was."

The proceedings in the House of Lords against the Queen had not long determined, before her popularity began to decline.* The well-meaning part of the nation, who had taken an interest in her favour by reason of the hardship of her case, very naturally ceased to concern themselves with her affairs, when they had seen her safe through her dangers, and had become calm enough to weigh the evidence affecting her: — and those designing persons, who had upheld her for the mere purposes of party or of revolution, did but follow their nature in abandoning her when she was no longer available for their purposes. And as the multitude are seldom content with a just moderation, the tide of their zeal not only left her aground, but turned almost immediately in the opposite direction, and overflowed with a capricious enthusiasm for the King and Government. George IV. was not slow to perceive his advantage, and resolved to avail

* See Lord Eldon's letter to Mrs. E. Bankes, of April 26th, 1820.

himself of it for the purposes pointed out in the following letter:—

King George IV. to Lord Eldon.

"My dear Lord, "Brighton, Jan. 9th, 1821.

"As the courts of Law will now open within a few days, I am desirous to know the decision that has been taken by the Attorney-General upon the mode in which all the venders of treason, and libellers, such as Benbow, &c. &c. &c., are to be prosecuted. This is a measure so vitally indispensable to my feelings, as well as to the country, that I must *insist* that no *further* loss of time should be suffered to elapse before proceedings be *instituted.* It is *clear* beyond dispute that the improvement of the public mind, and the loyalty which the country is now everywhere displaying, *if properly cultivated, and turned to the best advantage by Ministers,* that the Government will thereby be enabled to *repair* to the *country* and *to me* those evils, of the magnitude of which there can be but one opinion. This I write to you in your double capacity, as a friend and a minister; and I wish, under the *same* feelings to Lord Sidmouth, that you would communicate my opinions and determinations to him.

"Always, my dear Lord,

"Very sincerely yours,

"G. R."

Lord Eldon to the Hon. Mrs. E Bankes.—(Extract.)

(Middle of Jan. 1821.)

"This morning I am going forth to my work and labour, and so expire those holidays, which (being passed in frost, nipping frost, and rain, constant rain, since, for the rain, it raineth every day) have been spent by the fireside; and many an hour has passed on the hearth in meditation, with the fancy very busy in finding out likenesses of the human visage in the fire. This, however, is what Cowper, I think, somewhere calls a sleep of the mind, very refreshing to it; and I am sorry, very sorry, that even such holidays are now no more.

"In an hour's time I shall be among the lawyers, who are no favourites of yours; and I would much rather see my

pointers, &c., and listen to the sounds with which they express their joy at seeing their master, than to the eloquence of the most eloquent of the babblers, to whom now, for a long time possibly, I must lend unwilling ears. I say possibly, because till the temper of Parliament is tried in the subsequent week, our fate remains mighty uncertain."

The Session of Parliament was opened on the 23rd of January 1821, by the King in person. The debate in the House of Lords had relation principally to foreign affairs. The Chancellor took no part in the general discussion; but at its close, when some little altercation was arising between Lord Ellenborough and Lord Holland about the tone which it behoved England to take for the prevention of a war by Austria against Naples, he dissipated the mutual displeasure by observing that if one Noble Lord were Austria and the other England, it would be extremely difficult to determine whether they might or might not be prevented from going to war.

The Whigs, who had entertained a lively hope that the unpopularity of the proceedings against the Queen would force the Ministers out of office, were unable on the meeting of Parliament, to suppress the spleen of disappointment, and vented themselves in bitter petitions and fierce debates. They not only censured the general course pursued by Ministers against her Majesty, but contended that the exclusion of her name from the Liturgy was positively illegal. An allegation to that effect, after having been disposed of in the House of Commons, was renewed in the House of Lords * on the second reading of a bill for granting to her an annuity of 50,000*l.*

* Feb. 20th.

The Lord Chancellor, in answer to this argument, declared the law in the most unqualified terms. He said, that if he had any doubt as to the legality of the omission of the Queen's name, he would be the first to advise its restoration; that he had possessed himself of all the information attainable on the subject, and had applied to it the deepest research; and that the consideration of the statutes relating to it, and of what had been done under them, had perfectly satisfied his mind.

In the following April Lord Castlereagh, who led the Government in the House of Commons, succeeded, by his father's death, to the title of Marquis of Londonderry.

The measures introduced by Mr. Plunkett for the Relief of the Roman Catholics were embodied in a bill, which, having been carried through the House of Commons, was read for the first time in the House of Lords on the 3rd of April.

The Lord Chancellor expressed his belief that it would be impossible for the promoters of that measure to introduce any modifications which could bring him to acquiesce in it. He added, that he would, however, bestow his best reflection on the subject, before the discussion on the second reading.

The second reading was moved on the 17th, when the Duke of York briefly declared himself opposed to the bill, as tending to change the constitution of 1688, and the system which had seated the reigning family on the throne. Lord Darnley advocated the bill: and then the Lord Chancellor delivered the celebrated argument in opposition to it, of which the principal passages are printed at length in the Appendix to this work, from the edition published with his own corrections. Lord Grenville answered the Chancellor in a long and skilful speech. On a

division, the Peers who voted for the second reading were 120; against it, 159; so that 39 was the majority by which the bill was rejected. This debate forms the principal topic of the following letter, which is without a date.

Lord Eldon to Sir William Scott. — (Extract.)

(Post-mark, 1821; written shortly after April 17th.)

"I have reason to be confident that when Plunkett made his first motion, he had not the least notion that he should be in a majority. To his surprise, however, he found himself in that state. It then became necessary to do what had not before been thought of — to set about drawing Acts of Parliament. And I have also reason to believe that they were very conscious, in both Houses, that, being unexpectedly hurried into and through that operation, they perceived blunder after blunder, and inaccuracy after inaccuracy, till, amending a few, they found it too exposing to amend all they discovered in their bills, and therefore risked what they did not amend. It was quite clear in Lord G.'s (Grenville's) speech that, professing that the bill must be GREATLY amended in the Committee, he did most carefully abstain from pointing out one single enactment that could be left untouched — or one that he would introduce as one of his *great* amendments. He was very dexterous in avoiding saying that he would have no securities; but I think it clear that is now his meaning. The Duke of York has done more to quiet this matter than everything else put together. It has had a great effect. I have nothing further to delay your drinking to the thirty-nine, who saved the thirty-nine articles — a very fashionable toast. Lady Eldon recruits but very slowly: I had looked for a little country air for her during some part of the recess: but that is quite out of the question. Lord S. (Sidmouth) tells me that P. (Plunkett) was fully aware, before he came here, of the opposition of the Irish clergy; he seems to have been taken in by his first motion succeeding. John is doing well. Yours affectionately,

"ELDON.

"No Irish expedition; probably no coronation."

The next extract, from a letter also addressed to Sir W. Scott, is remarkable, not only for the light which, in the conclusion of it, is thrown upon Lord Eldon's personal feelings and motives in the matter of the Catholic question, but also for the wise and memorable warning which it holds out to the young fortune-hunters of the legal profession:—

Lord Eldon to Sir William Scott. — (Extract.)

"Dear Brother, (April 27th, 1821.)

"I observe what you state about F. I fear that my powers are very limited: for I cannot sacrifice my existence to any considerations; and I know, when I go out of office, I can be of no service to him or any other person, and in office I cannot remain. It is not fit I should, after 70. I am going on under a conviction that I ought to quit for the sake of the public, which is both distressing and uncomfortable, if not disgraceful to me. The truth is that upon F. there must be impressed the necessity of his working for himself. These lads, who give each other great dinners, with their claret, champagne, &c., must learn that this will not do, if they are to pursue a profession, and they must learn that if they want the aid of a profession, they must submit to the privations, which young men, who are to get forward in professions, have always submitted to. This is a truth of which they are not aware. I am sure the time is about over, when I can do any thing as to patronage. I cannot remain in a situation to which it is annexed. The truth is, what our relations may fairly claim is a subject we should set about settling between us, and not leave to accidents which may happen every day. I am conscious that I cannot count about years or months, and I feel that I ought, with reference to claims such as I allude to, to make provision, if we understand each other, which can regulate those claims when we are no more. But upon this we can converse when we meet.

"I have no great appetite for printing. At the same time the papers have printed such nonsense that I am uneasy

about it. As to Liverpool, I do not know what he means. To please Grenville, he makes a Regius Professor, — friend to the Catholics. To please Lansdowne, he makes a Bishop of Bristol and Regius Professor, — friend to the Catholics. He therefore, I dare say, will not stir a step beyond pronouncing in words his speech. I am not quite content with this — and yet I don't know what to do. But what he does or does not do, I think, should not regulate me. Can a man who makes such a Secretary for Ireland as we have, and two such Regius Professors and such a Bishop, be serious?

"With me this thing about the Catholics is not a matter of consistency, but of conscience. If there is any truth in religious matters, I cannot otherwise regard it."

The Grampound Disfranchisement Bill was one of those not infrequently attempted measures, by which Purist politicians have sought to extinguish the rights of many for the wrong of a few. Their logic was, that if a bare majority of the voters in any constituency were convicted of bribery, the conviction of these was the condemnation of the whole, and that the whole must therefore bear the penalty. The Lord Chancellor was ever among those who resisted the perpetration of such *justice*. On the 14th of May 1821, when the order of the day for the commitment of the Grampound Bill was read,

He asserted it to be a bill completely irreconcilable with the law and constitution of this country. It was both a bill of pains and penalties, and an *ex post facto* law. It inflicted on the innocent a punishment merited only by the guilty, and a punishment larger than even the guilty were liable to suffer by any existing law. The rights of individuals ought never to be sacrificed for the fault of a corporation whereof they might be members. The right of voting was given to the Corporation, but the benefit belonged to individuals, insomuch that, if any of the freemen of Grampound had been prevented from voting at the late elections, they could have brought actions for

pecuniary damages. What would be the moral effect of such a bill? It would afford ground for the corrupt electors to say to their incorrupt brethren, "Why do you continue incorrupt? In case we be disfranchised for being guilty, you will equally be disfranchised being innocent."

The bill was ordered to be committed on the 21st, on which day the Lord Chancellor proposed, in order to prevent the injustice of punishing persons not proved to be guilty, that instead of disfranchising the entire borough, the bill should confine the franchise to the unconvicted burgesses. His interposition, however, was unavailing, and the bill was finally passed into law.*

Mr. M. A. Taylor took the field again on the 30th of May, when he moved a resolution purporting that the House of Commons would in the next Session adopt some measures on the subject of the arrears of business in the Court of Chancery and in the House of Lords. This motion was negatived; but by only 56 against 52.

Lord Eldon to the Hon. Mrs. E. Bankes.

"My dearest Fan, "Lin. Inn Hall, June 4th, 1821.

"No news. I only write, therefore, on my birthday, to send you both my love and mamma's.

"At threescore years and ten, I have to bless God that I have better health than I had fifty years ago.

"Yours ever affectionately,

"ELDON."

It was determined, before the prorogation of Parliament, that the King's coronation should take place during the recess. Some trouble then arose from a claim preferred by Queen Caroline to be a partaker in the ceremonial.

* 1 & 2 Geo. 4. c. 47.

Lord Eldon to the Hon. Mrs. E. Bankes.

"July 5th, 1821.

"I have been at the Privy Council all the morning, hearing Brougham argue the claim of the Queen to be crowned. His argument seemed, to most there, to prove the very reverse of any such claim, as a right. She claims to be crowned with the King, on the same day, and at the same place.

"William the Conqueror's queen was crowned two years after he was crowned.

"Henry I.'s queen ditto.

"Stephen's queen ditto.

"Richard I.'s queen crowned abroad.

"John's queen not crowned with him, but crowned.

"Henry III.'s queen, not with him, but afterwards alone.

"Edward III.'s queen crowned alone.

"Henry IV.'s queen crowned, not with him.

"Henry V.'s ditto.

"Henry VI.'s queen, not crowned with him, but alone.

"Henry VII.'s queen crowned long after him.

"Henry VIII.: some of his queens crowned, some not crowned.

"Charles I.: his queen not crowned at all.

"Charles II.: his queen not crowned at all.

"George II.'s queen, or George I.'s, I am not sure which, not crowned at all.

"So there's the whole history for you, dear Fan, as picked up from his speech to-day."

Lord Eldon to the Hon. Mrs. E. Bankes.

"Dearest Fan, (July 7th, 1821.)

"I should hardly trouble you with a letter to-day, if I did not think it right that you and Edward should first hear, from myself, what you will learn by other means, to-morrow or next day, that a patent will be sealed, this evening I believe, creating me Viscount Encombe and Earl of Eldon. I have earnestly begged off, for my fortune is not more than equal to my present rank; but in vain. To the King's determination, therefore, and to my having held the office of Chancellor so long, my present and future descendants must attribute all

inconveniences that may result from this, and not to any imprudent ambition of mine. I must say, notwithstanding he would not let me off, the King was very gracious. He seals *my* patent first, with some special recital in it, which I have not yet seen. I write this whilst I am listening to the Attorney-General against the Queen's claim, and must therefore finish. God bless you both.

"Your ever affectionate ELDON."

The circumstances of this promotion are thus minutely recorded by himself in the Anecdote Book:—

"His Majesty George III. repeatedly offered to confer upon me the dignity of an Earldom: I, as repeatedly, stated to his Majesty my humble advice, that the Crown should not confer more than one title of peerage upon the same individual, or, in other words, more than one title of peerage in one generation. I frankly told him that a Peer had, as a principal object of expectation from the favour of the Crown, advancement in the peerage, and had little but that to look for, and that an additional rank in the peerage ought to be made as much and as considerable a favour on the part of the Crown as the first grant of a dignity. That this must of course admit of exception in extraordinary cases. The Duke of Wellington, for instance, when he was first introduced into the House of Peers, came into it a Baron, a Viscount, an Earl, a Marquis, and a Duke, every one of these dignities having been conferred for eminent services performed from time to time: and upon that introduction, I, as Speaker, communicated to him the thanks of the House for all those services. This was a rare case, and I don't recollect another instance of such a case, except in the Royal Family, who receive usually all dignities, I believe, upon

their first elevation to the peerage. His Majesty George III. was pleased to allow me to decline any higher rank in the peerage than that of a Baron. His Majesty George IV. allowed me also to prevail upon him, for the same reasons, to decline further advancement in the peerage, repeatedly offered to me by him; but, having given some marks of his favour to his Ministers upon the cessation of war, he, at length, made such a point of my receiving a mark of his favour by accepting an Earldom, and pressed it upon me with so much earnestness and anxiety, that I was compelled to accept it. But that it might not be drawn frequently into example, it was recited in the patent that it was granted in consideration of my very long services, I think nineteen years, in the office of Lord Chancellor, to which office I had been three times promoted."

Lord Eldon, relating the same facts to Mrs. Forster, added, —

"We argued pretty strongly for some time, when he put an end to it by declaring — 'If you will not make out your own patent, I will get some one else to do it, and when I send it to you, I will see if you dare to return it.' Thus I became an Earl without my own consent." *

* In accordance with the beforementioned arrangement the patent creating him Viscount Encombe and Earl of Eldon, which is dated the 7th of July, 1821, contains the following words: —

"Know ye, that we, in consideration of the profound knowledge of the laws of our realm possessed by our right trusty and well-beloved Councillor John Baron Eldon, our High Chancellor of that part of our United Kingdom of Great Britain and Ireland called Great Britain, and in consideration of the distinguished ability and integrity which he has invariably evinced in administering those laws

The Chancellor's letter of thanks, and the King's answer, are as follows:—

"Hamilton Place, Saturday, July 7th, 1821.

"The Lord Chancellor, having been informed that your Majesty has been pleased to sign the warrant for his promotion in the peerage, cannot permit himself to delay the expressing to your Majesty his most grateful thanks. He is too sensible of the many imperfections which, during the vigour of life, have occurred in his attempts to discharge the duties of that great station, in which his gracious Sovereigns have been pleased to place, and so long to continue him, not to feel that he is wholly and entirely indebted for this distinction to royal favour; and he cannot hope, in the decline of life, to render any services which can be in any degree an adequate return for it. He trusts that your Majesty will permit him to offer to your Majesty his warmest gratitude, to tender to you the duty and attachment of a devoted servant, and the homage and loyalty of a faithful subject."

in his said office of Chancellor during the period of nineteen years, of our especial grace, certain knowledge, and mere motion, have advanced, preferred, and created the said John Baron Eldon, to the state, degree, dignity, and honour of Viscount Encombe of Encombe in our county of Dorset," &c. "To have and to hold the said name, state, degree, stile, dignity, title, and honour of Viscount Encombe of Encombe aforesaid to him the said John Baron Eldon and the heirs male of his body lawfully begotten and to be begotten," &c. "And moreover know ye, that we, of our further especial grace, certain knowledge, and mere motion, have advanced, preferred, and created the said John Baron Eldon to a more ample state, degree, dignity, and honour of Earl of Eldon in our county palatine of Durham, and him the said John Baron Eldon, Earl of Eldon aforesaid, do by these presents create, advance, and prefer, and we have appointed, given, and granted, and by these presents for us, our heirs and successors, do appoint, give, and grant, unto him the said John Baron Eldon, the name, state, degree, stile, dignity, title, and honour, of Earl of Eldon aforesaid, and him the said John Baron Eldon we do by these presents really dignify and ennoble with the honour and dignity of Earl of Eldon aforesaid," "to have and to hold the said name, state, degree, stile, dignity, title, and honour of Earl of Eldon aforesaid, unto him the said John Baron Eldon and the heirs male of his body lawfully begotten and to be begotten," &c.

" Carlton Palace,
" My dear Friend, " Saturday night, July 7th, 1821.

" I must thank you for your affectionate letter, which is very acceptable to my feelings: God grant that you may long live to enjoy the honours so justly due to your eminent talents and distinguished services. I shall hope to see you early in the morning, as I have much to say to you.

" Always, my dear friend,
" Very affectionately yours,
" G. R."

Next day Lord Eldon writes thus to his daughter: —

" My dearest Fan, " Sunday evening.

" The patent could not be sealed till to-morrow morning, when I am to take my seat under this new title.*

" I was gazetted last night; the King having determined,

* NOTE BY THE PRESENT EARL. — The patent of the Earldom of Eldon is dated the 7th of July 1821: it was sealed on the 9th.

The Great Seal, whose impression it bears, is the one of King George III. which was used during the latter part of his reign, and which was employed under his successor until the completion of a new one with the effigy of King George IV.; on which occasion the former seal, being cancelled, became the property of Lord Chancellor Eldon, who had it gilt and mounted, the obverse and reverse together, in a large silver salver.

For several years after the Union with Ireland, a copper Great Seal had been used, which was eventually replaced, in 1815, by the silver seal, here mentioned as sealing the Earldom of Eldon. That copper seal, having been thus dispensed with during Lord Eldon's Chancellorship, had thereupon become his property; and he had had it gilt and mounted, the obverse and reverse separately, in two silver salvers.

Lord Eldon told me that the mode of officially cancelling the Great Seals was, that the Sovereign in Council struck them, though but gently, with an hammer, which was considered to deface them. He added, " Slight as this injury was, yet upon my putting them into my silversmith's hands, the latter proposed to repair the damage; but I declined it, telling Mr. Makepeace that nothing should be done to diminish the interest or authenticity of them."

that I should take place of all who are to be created Earls, and that, for distinction, I should be gazetted alone.

* * * * * *

"If my family feel inconvenience from too much rank, the evil is not owing to folly, vanity, or ambition of mine. I have most earnestly endeavoured to protect them, though ineffectually, against that evil.—I kissed his Majesty's hand yesterday in bed—attack of gout—bad symptom for coronation.

Lord Eldon took his seat as Earl on the 9th of July. The ceremonial varied a little from the usual course, by reason of his holding the Great Seal. The Journals describe the proceeding thus:—

"The Earl of Liverpool signified to the House, 'That his Majesty had been pleased to create John Lord Eldon, Lord High Chancellor of that part of the United Kingdom of Great Britain and Ireland called Great Britain, a Viscount and Earl of the United Kingdom of Great Britain and Ireland, by the stile and title of Viscount Encombe, and Earl of Eldon.' Whereupon his Lordship, taking in his hand the Purse with the Great Seal, retired to the lower end of the House, and having there put on his robes, was introduced between the Earl of Shaftesbury and the Earl of Liverpool (also in their robes); the Gentleman Usher of the Black Rod, Clarencieux King of Arms (in the absence of Garter King of Arms), carrying his Lordship's patent, (which he delivered to him at the steps of the throne,) and the Deputy Lord Great Chamberlain of England preceding.

"His Lordship (after three obeisances) laid down his letters patent upon the chair of state, kneeling, and from thence took and delivered them to the clerk, who read the same at the table.

"The said letters patent bear date the 7th day of July in the second year of the reign of his present Majesty. His Lordship's writ of summons was also read." (Here follows the writ verbatim.) "Then his Lordship, at the table, took the oaths, and made and subscribed the declaration, and also took and subscribed the oath of abjuration, pursuant to the

statutes, and was afterwards placed on the lower end of the Earls' bench, and from thence went to the upper end of the same bench, and sat there as Lord Chancellor, and then his Lordship returned to the Woolsack." *

Lord Eldon to Lady F. J. Bankes. — (Extract.)

"July 10th, 1821.

"I took my seat yesterday as Earl of Eldon. The ceremonial, which is different from other Peers, when the new Peer is Lord Chancellor, was curious. I see they have got a statement of it in this day's 'Morning Post.' I cannot but say that I was nervous and somewhat agitated by the extreme kindness of all the Peers who in the course of the day came into the House. This gave me a headache, which, about an hour ago, I have got rid of. The question whether John, who is come from Winchester, is to have title of courtesy, is undetermined, and now before the Heralds.

"The Privy Council, very numerously attended, has determined unanimously that the Queen is not entitled of right to be crowned at any time. She is, I hear from pretty good authority, determined to be present at the coronation, — another source of mischief, — but I hear she is quite positive upon it."

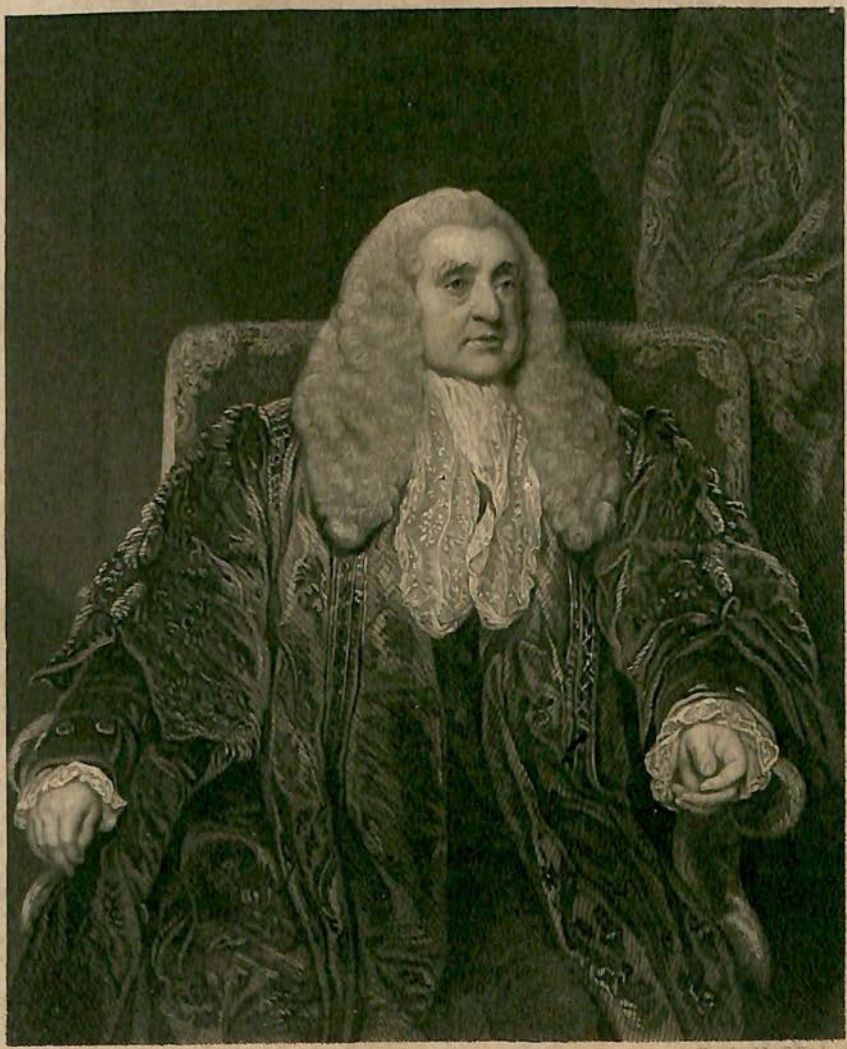
On the 11th of July the Lord Chancellor delivered the King's speech concluding the Session.

His Majesty took the occasion of the now approaching ceremony to bestow yet further honour on the family of Scott, by raising Sir William to the Peerage. Lord Eldon writes thus to him on the selection of his title: —

(Not dated; written about the end
"Dear Brother, of June, or beginning of July, 1821.)

"Lord Sherborne has been with Government, expressing uneasiness at having heard, that you intend to take the title of Stawel or Stowel, I know not which. Lady Sherborne is candidate for one of those, for herself and heirs male, as I understand the matter — not the *same* as that you propose, but *idem sonans* — the difference only between an A and O. —

* Journals of the House of Lords, vol. liv. p. 572.



Painted by T. Phillips Esq.

Engraved by E. Finden

THE RIGHT HON.ble SIR WILLIAM SCOTT,

LORD STOWELL,

JUDGE OF THE HIGH COURT OF ADMIRALTY.

London Published by John Murray Albemarle Street 1818

It is stated that the late King was always anxious to prevent this clashing of titles; and, in general, it has been avoided, though instances occur of it. — I understand that Lady Sherborne is the heir to the title she wants, if it had been limited to heirs male *, and, for reasons I don't know, suppose she had pretensions to the continuance of it in her male descendants, that should, and perhaps may, be attended to. Lord Sherborne came to Lord Liverpool in the House to-day, to express his uneasiness at this matter, and Lord Liverpool desired me to communicate this to you, which I could not refuse doing, for your own consideration.

" Your always affectionately,

" ELDON."

Lord Eldon's inclination, as he afterwards told the present Earl, was, that Sir William should take his title from Usworth, his paternal property in Durham; but Sir William adhered to his own intention, and became Baron Stowell of Stowell Park in the County of Gloucester. His patent of peerage, which was granted with limitation to the heirs male of his body, bears date 17th July 1821; and on the 5th of the following February he took his seat in the House of Lords, introduced by the Lords Redesdale and Arden.

On the 19th of July 1821 was celebrated the gorgeous ceremonial of the Coronation of King George IV.

Lord Eldon to Lady F. J. Bankes. — (Extract.)

" July 20th, 1821.

" It is all over, quite safe and well. The Queen's attempt to make mischief failed. She sent a message to say, that she would be at the Abbey by 8 o'clock, To take the persons there by surprise, she came between 6 and 7. After trying every door of the Abbey in vain, she came to the Hall; there she was also denied entrance. A few of the mob called, ' Queen for ever!' I am informed, that on the other

* Sic in orig.

hand, there was great hissing, cries of 'Shame, shame, go to Bergami!' and a gentleman in the Hall told us, that when her Majesty got into the carriage again, she wept. Yesterday must have informed her how fleeting is popular favour. Her friends broke Londonderry's windows, Montrose's, and various other people's windows, who were preparing illuminations. We had a very handsome illumination: John Bull spared us; indeed his family were very civil to me, in the course of my transit from the Hall to the Abbey. The business is certainly over in a way nobody could have hoped. Everybody went in the morning under very uncomfortable feelings and dread. I think, the fatigue of it would have killed dear Mamma. William Henry was a capital figure in the dress of an ancient Baron of the Cinque Ports. He looked amazingly well, and performed his duty well. John's delight, I think, was the Champion, and the Duke of Wellington and Marquis of Anglesea going on horseback for, and returning on horseback with, the King's dinner."

The present Earl thus describes the share of his uncle, W. H. J. Scott, in the pageant:—

"My uncle, representing Hastings, was appointed one of the Barons of the Cinque Ports, to bear the canopy over the Sovereign in the procession. This canopy was splendidly decorated, being covered outside with gold tissue, lined with tissue of silver, and supported by eight staves, at the top of each of which was a silver-gilt bell surmounted by the Royal emblems. After the ceremonial, one of these bells fell to his share, which I now have, as also portions of each of the tissues. I remember to have heard that the bells were prudently silenced by the temporary removal of the clappers."

After the coronation, the Chancellor had so severe an attack of gout in the knee, that he was obliged to send his excuses to the King both for the levee of the 25th, and for the drawing-room of the 26th. On

the afternoon of the latter day the King honoured him with this very kind answer: —

King George IV. to Lord Eldon.

"Thursday evening, 6 o'clock,

"My dear Chancellor, "July 26th, 1821.

"I delay not a moment thanking you for your affectionate note. I have known you, and, with truth I do add, that I have loved and esteemed you as a friend, much too long for a moment to entertain a thought that you would not have presented yourself both at the levee yesterday, as well as the drawing-room this day, if it had been morally possible for you to have done so. If there be any blame, it rests with me, for not having sent to inquire after you, but which I desire you will not impute to forgetfulness on my side, but to the constant *worry* and hurly-burly I have been perpetually kept in for the last fortnight.

"I remain, my dear Lord,

"Always your most affectionate friend,

"G. R."

"P.S. I shall rejoice, if you are able to come to me, to see you on Sunday as usual."

Lord Eldon to Lord Stowell.

"Dear Brother, (No date; end of July 1821.)

"I have got out of bed this morning. My knee remains immovable, or nearly so; the gout in the foot slight, but not gone, and my mind must be reconciled to confinement for some time to come. This is dreadful to the suitors, and harasses me. Among the letters which modern events bring me, I have received several anonymous, which I destroy, not very pleasant either for me or you to read; the very essence of malignity—with puns or jokes upon our titles, very spiteful.

"Of the reports about the Queen and the changes in Administration, I, of course, in bed, have heard nothing—save that somebody brought to my ladies a report that all the Ministers were going out, but Lord Sidmouth and the Chancellor. That any changes have been determined upon, I take to be quite unfounded; that many must take place soon, if

the King and Liverpool continue in the temper in which they respectively are, I have no doubt, though the thing may wear on as it is, till his excursions are over. The bulk of the Ministers are, I think, convinced that the K. means, and that my neighbour* will induce him, to change them; and I should not wonder if, in a too great confidence that he has this meaning, they were to retire before he knew how to execute it. It is impossible but that the thing must fall to pieces. This is so strongly the conviction of the greatest part of the Administration, that I think that conviction will of itself almost produce the change. If such a change takes place, it's ridiculous and hard upon Sidmouth's character, to suppose that because he has consented to remain at present to keep things quiet, and I have consented at present to remain because he does, that either of us should remain, if there's a change, colleagues of Reformers, Catholics, and Democrats. As to me, indeed, I can remain with neither them, nor the present, nor any other set of men. I think, as Johnson (in his Rasselas, I believe) has it, 'that a man before threescore 'and ten may have satisfied his country's demand upon him, 'and that he has a right to retirement, to review his past life 'and purify his heart before he goes hence.' I may be cut off suddenly; but, if it pleases God to deliver me from sudden death, I will endeavour so to employ some portion of what remains of life as that I may not die *notus nimis omnibus, ignotus mihi:* — which must be the case if the present system of living is not given up. My office therefore I hold only till the storm, that blows, abates—and it is too violent to last.

"My good-natured correspondents, the anonymous, have not failed to tell me that my promotion in the peerage should operate with me as a proof that I should retire as superannuated. I agree so far with them that, if I do not retire, I shall give some proof that I am about to be superannuated."

* The Marchioness Conyngham.

CHAPTER XLIV.

1821, 1822.

DEATH OF THE QUEEN: LETTERS FROM LORD LONDONDERRY AND THE DUKE OF MONTROSE TO LORD ELDON, AND FROM LORD ELDON TO LORD STOWELL. — SECOND TITLE OF ENCOMBE: LETTERS FROM LORD ELDON TO MRS. FARRER AND HIS GRANDSON. — STATE OF IRELAND: LETTERS FROM LORD REDESDALE. — LETTER FROM GEORGE IV. TO LORD ELDON. — COALITION WITH THE GRENVILLES: ACCESSION OF SIR R. PEEL. — SPEECH OF DUKE OF DEVONSHIRE. — LETTERS FROM LORD ELDON TO LORD STOWELL AND LADY OF F. J. BANKES. — TITHES. — LETTER FROM LORD ELDON ON CONFIRMATION OF HIS GRANDSON. — CATHOLIC QUESTION. — MARRIAGE-ACT AMENDMENT BILL. — MOTION OF MR. M. A. TAYLOR ON THE COURT OF CHANCERY. — LETTERS FROM LORD ELDON TO LADY F. J. BANKES. — DEATH AND PARLIAMENTARY CHARACTER OF LORD LONDONDERRY: LETTER FROM GEORGE IV. TO LORD ELDON: LETTERS FROM LORD ELDON TO LADY F. J. BANKES. — MINISTERIAL ARRANGEMENTS: ACCESSION OF MR. CANNING.

THE Queen, who, by her indiscreet appearance at the gate of Westminster Abbey on the day of the coronation, had incurred the mortification of a public exclusion without any compensation of public sympathy, was now in a feverish, irritable, and dangerous state of health. In the beginning of August, she was attacked with an internal inflammation; and so rapid was the disease, that on the night of the 7th she breathed her last. The King, who had set out on his long-meditated visit to Ireland, was already at Holyhead when the tidings of his consort's death were received by him; and, from that port, Lord

Londonderry wrote the following note to the Chancellor: —

The Marquis of Londonderry to Lord Eldon.

"My dear Lord, "August, 1821.

"I add this private note to the letter which the King has directed me to write, to say that his Majesty is quite well, and has evinced, since the intelligence of the Queen's death was received, every disposition to conform to such arrangements and observances, as might be deemed most becoming upon an occasion which cannot be regarded in any other light than as the greatest of all possible deliverances, both to his Majesty and to the country. The King feels assured that the events to which my letters refer, once in your hands, will be sifted to the bottom, and wisely decided; and, to the advice he may receive, there will be every disposition on his Majesty's part to conform; but, where papers connected *with his daughter*, as well as other branches of his family, are in question, your Lordship will estimate the deep interest the King takes in your giving the whole your best consideration.

"The King proposes to pass over to Dublin to-day. The wind is so unfair that his Majesty intends to avail himself of the conveyance of a steam-packet, by which, the sea being very tranquil, he hopes to reach Howth in seven or eight hours, and to pass quietly to the Phœnix Park, where his Majesty will remain in privacy till the Queen's remains have been embarked for the Continent. Ever, my dear Lord,

"Yours most sincerely,

"LONDONDERRY."

The Duke of Montrose to Lord Eldon.

"My dear Lord, "Dublin Castle, Aug. 30th, 1821.

"All has passed in this country with the most complete success, and it is generally expected that not only this country, but the whole empire, may reap lasting advantages from his Majesty's visit, whilst the striking, gracious, and graceful manner in which the King has conducted all his public displays

is remarkable. It is not a little remarkable also, the command over themselves which the whole nation have had, from the highest to the lowest; and men assure me, they hardly know the people under the restraint and manner which they have imposed on themselves since the residence of his Majesty amongst them. It is an extraordinary circumstance, deserving of attention, and which, had I not seen it, I could not have believed. At the theatre, though full of enthusiasm, they had a quietness, and a desire to conduct themselves with propriety I never saw before. I have seen no drunkenness, no unregulated marks of affection and loyalty in the city; elsewhere, indeed, they have pressed upon the King to see and to touch him, a little inconveniently, and mixed perhaps with some superstition, as if some good would happen to them in some way or other, from having touched the King or his clothes.

"I cannot attribute all this to abstract affection, and though gratitude, no doubt, for his Majesty's visit, has had great influence on their conduct, expectation of further advantages has, I make no doubt, great influence on their feelings and conduct.

"The manner his Majesty has been received has had a great effect on his Majesty's feelings, and requires discretion not to hurry his Majesty into expressions which discretion may lament, or into comparisons more open perhaps than politic; also, perhaps, into grounds of expectation and hope which can hardly be realised: however, I have not seen any thing which does not do honour to the feelings of the people or of the King. I think Lord Sidmouth is on his guard, and most important it is for his Majesty (or any King), on such occasions, to have men of experience, and high in the state, near his person. I have been surprised with this city, its superior inhabitants, and the taste and order with which their displays have been made; and I observe the clergy stand more conspicuous and forward in high society in this place than anywhere except at Rome. This must be a much greater country than it is, though it certainly wants capital, and the residence of its nobility and gentry; the latter will secure the increase of the former, and must, in my opinion,

precede the former, though time must be required under the most favourable circumstances, and the Irish flatter themselves that the King's visit will encourage and promote that desirable object.

"The country appears to be cultivated without capital, and no good farm-houses, nor any farm-yards or stock yards are to be seen in this part of Ireland. The land appears to be let too high, to be very little manured, — ploughed, and when exhausted, left to rest, but naturally productive, and capable of improvement. I only speak of the land near Dublin; however, as I embark to cross to Scotland, I shall see a good part of Ireland, and the part where I understand there is the most industry.

"Good sport to you. His Majesty proposes embarking on Tuesday the 4th. He has been well and in good spirits.

"Yours sincerely,

"MONTROSE."

During the King's visit to Ireland, the Administration continued in an unsettled state; as will be seen from the following letter:—

Lord Eldon to Lord Stowell. — (Extract.)

(Not dated; 1821, probably about the end of August.)

"Dear Brother,

"I think there is a great alteration in the opinions of some where I did not look for it" (the King) "about Canning, and even Sidmouth thinks the death of the Queen has removed, in a great degree, all objection to Canning. But suppose the King and Liverpool cannot settle their differences, what is to be done? Who is to be at the head? In the House of Commons, you'll say Londonderry, — but that won't do. For many of the Peers, who have great parliamentary interest, will not support, as Prime Minister, any person who stands pledged to remove Catholic disabilities, and I have persuaded myself that they, with the Duke of York at the head of them, will never agree to that. If you go to the House of Lords, who can you have? Sidmouth's last determination, as communicated to me, was, that, whether there were or were not

any other changes, he would not, in any office, meet the Parliament at its next meeting. They talk of the Duke of Wellington, but I have reason to believe that, if there were no objections, he would have nothing to do with it. Indeed, I think he is, the most of all of us, convinced that the King is inclined to sweep the cabinet room of the whole of us, and that he feels very strongly that we have all experienced, and are likely to experience, treatment not very easy to bear. If Sidmouth goes, I shall go. With a new Secretary for the Home Department, a new Chancellor, a change of Prime Minister, — who can suppose things to be in a settled state? In truth, I don't see how we can go on without some explanation as to what all the occurrences in Ireland mean, — as to the Catholic question, unexplained. With a determination in many in the Cabinet to resist claims to the utmost, we are continuing parts of a Government apparently daily in every way encouraging them.

"I understand the King was particular and lavish in his attentions to Plunkett; he certainly means, if he can, to bring him into office — another Papist."

In the course of July, Lord Eldon had submitted to the Herald's College, the following question:—

"Whether the grandson and heir-apparent of the Earl of Eldon, being the eldest son and heir of the late Honourable John Scott deceased, eldest son of his Lordship, may, according to the Rules of Courtesy, take and use the second title of his grandfather, such title having been granted subsequently to the decease of his father, the said Honourable John Scott."

The College unanimously resolved,

"That the grandson and heir-apparent of the Earl of Eldon, in such case, may, by the established courtesy of the realm, take and use the second title of his grandfather, which his father, if living, and in whose place he stands, would have been entitled by the same courtesy to take and use."

This decision was founded upon two precedents. The first was that of Wriothesly Russel, son of the Lord Russel who was beheaded in 1683, and grandson of the Earl of Bedford. In 1694, after the execution of Lord Russel, and the reversal of his attainder, the Earl of Bedford, Lord Russel's father, was created Duke of Bedford and Marquis of Tavistock, to hold those dignities to him and the heirs male of his body: whereupon his grandson Wriothesly, the son of the deceased Lord Russel, took the title of Marquis of Tavistock, and was so designated in a subsequent patent under the Great Seal, dated the 13th of June, 7 W. & M., granting to the Duke of Bedford the Barony of Howland for life, with remainder to "Wriothesly Russel commonly called Marquis of "Tavistock, grandson of the said Duke, and the heirs "male, &c."

The other precedent, which was a little more modern, did not, like the former, carry the sanction of the Great Seal, but it showed the usage. It was in the case of Robert Shirley, grandson of Lord Ferrers. Before Lord Ferrers was created Earl Ferrers and Viscount Tamworth, his son, the father of Robert, was dead; and Robert, who died before the Earl, bore in his own lifetime the title of Viscount Tamworth, and was so described not only by himself in his will, but by his family on his monument in the church of Stanton Harold.

In a few days after the resolution of the Heralds' College was communicated to Lord Eldon, he wrote a letter on the subject of it to Mrs. Farrer, the mother of his grandson. In that letter, after adverting to the two precedents, he proceeds thus:—

"This last instance would not be of great weight, as it might be represented as the unauthorized act of a family, if it stood otherwise unsanctioned. But the case of the person commonly called Marquis of Tavistock was probably the precedent, which was deemed the authority for what was done in the Ferrers family; and it is certainly a very weighty authority, because the Tavistock case gives the Title by Courtesy in a grant of the Crown itself, which could not have been made, but with the sanction of the Attorney or Solicitor General and the person holding the Great Seal at the time. The view I take of my duty is, that my duty to the Crown is such, as would neither induce me to permit dear John to use this name of Courtesy if he was not entitled to it, nor to decline to use it, if he is, as he seems to be, entitled to it.

"It appears to me that, with this unanimous resolution, if nothing occurs to induce a dissent from what it asserts, (and probably nothing of that nature will occur,) that John should use the Courtesy Title, which it states that he may use. The manner of communicating this to him is what I am very anxiously thinking about, for, though I have the utmost confidence in his good principles, at his time of life this sort of distinction cannot have a neutral effect upon his mind: it may either be received with more of indifference about it than it ought to be received with, or it may be received with feelings of a very different kind, and, perhaps, not less hurtful in their effects. I shall not disguise from you who take so great an interest in him, that on this very account I had some reluctance, if I had had any choice, about accepting promotion in the peerage; being apprehensive that John's succeeding to a title, when I ceased to exist, would probably be (according to what observation as to the conduct of most young titled persons would teach one) the safest period at which he could use it. I came down here without passing through Winchester, and therefore without seeing John. I doubted, in truth, whether, in conversation, I could express myself to him as correctly, carefully, and usefully, upon this subject, as I might be able to do in a letter addressed to him. That letter I propose to address to him with the best advice that my judgment and extreme affection for him can dictate. I

shall feel much obliged to you if you will not mention this subject to him, till I shall have informed you, by another letter, that I have communicated with him. After you have received that other letter, I am sure, when you write to him, you will also convey to him all that good advice which your excellent sense and great affection for him will necessarily render such as must be eminently useful. He is very well, was much delighted with his visit to Fanny, and those I have here conversed with appear to have been much pleased with him.

"Sunday, Sept. 23rd, 1821."

After reflecting a few days longer, he addressed his grandson as follows:—

"My dear John, "Encombe, Oct. 4th, 1821.

"When his Majesty was lately pleased to require my acceptance of the dignities of an Earl and Viscount, it was in obedience to his will, overruling my own feelings and wishes, that I consented to become the object of so much distinction. The first title, bestowed upon me more than twenty years ago, that of Baron Eldon, I deemed to be more, much more, than an adequate remuneration for any services, which, to the present day, I have been able to render to the King and the country: and if the state of my fortune had been more adequate than it really is, or ever will be, to the support of these higher dignities, I could have wished that they should rather have been acquired by my descendants, as a reward for their own exertions in the service of the public, than have devolved upon them from me without efforts on their part to obtain them. But as his Majesty has been pleased otherwise to regulate this matter, let me imprint in your mind some most important truths, (and never, my dear John, forget my anxiety there to imprint them, as forming weighty mementoes ever and always to influence your actions, if it pleases God, that, after my removal from this world, you succeed to these dignities,) — viz. that if a Peer does not do credit to his titles, his titles will confer no credit upon him; — that honours are received by him upon whom they are at first bestowed, and transmitted through him to those who afterwards succeed to them, upon a most sacred trust, that he and they

will alike faithfully discharge the great duties which, from their rank and station in society, they owe and must ever continue to owe to their country; that if it is a blessing to receive distinctions, which furnish the opportunities and means of doing public good, he is altogether inexcusable, who, possessing those distinctions, disgraces them and himself by neglecting to promote the interests of the public, by availing himself of such means and such opportunities. Believe me, high rank is a great evil to him who possesses it, and to others connected and not connected with him, if it is not rendered valuable to him and them, by conduct throughout his life distinguished by that virtue which you know has been said to be 'the true and only nobility;' — of which certainly it may most justly be said, that without it there may be nominal nobility, but honourable nobility without it there cannot be.

"These sentiments, my dear John, (and let me beseech you never to forget them,) would apply indeed more aptly to your situation, if no title was to devolve upon you either by right or by courtesy whilst I continue to exist, than to the state in which I mean by this letter to inform you that I am assured you are now placed; but even to that state you will see that they are by no means inapplicable.

"If your excellent and most dear father had been in life when I was created Earl of Eldon and Viscount Encombe, he, during my life, would unquestionably have used, not as of right, but by the courtesy of the realm, his father's second title, instead of the name of Mr. Scott. It was, however, matter of much doubt, as he was then no more, whether you, my grandson and not my son, would, by the like courtesy, be commonly called by the name used in the second title; and the general opinion was, that you ought not to be so called. I felt it to be my duty to the Crown not to allow you to be so called, if the courtesy of the realm did not authorise it: I thought it also my duty to the Crown to take care that you should be commonly so called, if that courtesy did authorise it. It therefore became my duty to have the question fully considered by those who best understand the subject. I therefore required the opinion of the College of Heralds, who, after very long consideration of the subject, have at length certified

to me their unanimous opinion, that you, according to the courtesy of the realm, may use the name, and be commonly called by the name, of Encombe.

"You are therefore, my dear John, now in some sense, in my lifetime, a partaker of one of the dignities lately conferred upon me, not indeed as of right having any claim to it, but as being allowed, by what is called the courtesy of the realm, to be commonly designated by the name in which that dignity has been granted to me. Your present state, therefore, in a degree, calls for your serious attention to the important truths, which I have pointed out as those which must be the ruling principles of your conduct when I am removed from this scene. Even now, you must never forget that, if you do not do credit to the name of Encombe, it will be a dishonour to you; every time that you are, even now, addressed by that name, that address should operate as a stimulus to increase of exertion and to good conduct. Your time, my dear John, must be well spent and carefully husbanded. Dissipation of every kind must be anxiously avoided. If the change in my situation, thus operating a change in yours, should produce any evil effects — if additional rank, instead of producing and inciting to additional merit in conduct, should ever be considered by you as dispensing with the necessity for continual virtuous exertion in your youth — then indeed, my dear John, my Sovereign may have lavished his honours upon me, but my happiness his good intentions will have utterly destroyed. But I will not entertain, I don't allow myself to entertain, such apprehensions. In the past good conduct of Scott I find the firmest grounds for confidence, that good and exemplary will be the future conduct of him, who is to be commonly called Encombe. In his good principles, in his affection for those to whom he must perceive he is an object of the warmest affection and the most anxious concern, I will look for, and I am confident I shall find, his security and my own against all evil. Upon his recollection that encreased rank calls for encrease of diligence to acquire those mental attainments which are absolutely necessary to make rank respectable, — upon his recollection that those whom rank distinguishes should be more and more distinguished by their

virtues,—I can and do confidently rely for good. My dear John, acquire knowledge and practise virtue. These are the leading points to be attended to. There are others of minor importance, but yet of considerable importance. Among others, if rank engenders pride, if it produces haughtiness in conduct to those with whom we have associated and do associate, if it considers well-regulated condescension and kindness of manners as what needs not anxiously to be attended to, it becomes inexpressibly odious. That happy temper, that even-mindedness, which is the ornament of rank, will of course, I know, lead you to prefer, greatly to prefer, in your youth, being addressed only by the name of Encombe simply, to being addressed as of favour and not as of right as a lord, by the folly and flattery of those who, being foolish, can do you no good, and if flatterers, will not intend to do you any good.

"And now, dear John, may God Almighty bless and preserve you! Accept my love, Grandmamma's, William Henry's, Mr. Bankes's, and aunt Fan's, and believe me to be

"Your ever affectionate Grandfather,

"ELDON.

"I should not do justice to my opinion of your sense and judgment, if I did not believe that they would have suggested to you all that I have written, and much more than I have written; but I could not satisfy my anxious affection for you without thus addressing you. With the contents of this letter I can't mix a detail of what is passing here: that I reserve for another. I enclose a letter for you, received here in a cover from your mamma.

"My next letter will be addressed to you by the name of Encombe."

Mrs. Farrer, having enclosed to Lord Eldon a letter from herself to her son upon the same subject, which, after a further communication from Lord Eldon, she now proposed that he should forward to Lord Encombe, the answer of Lord Eldon was as follows:—

Lord Eldon to Mrs. Farrer.—(Extract.

"Oct. 23rd, 1821.

"I did not receive your letter till last night; it having been mis-sent by the post to Salisbury.

"For that which it enclosed, and which I shall by this post send to dear John, I beg you to accept my most cordial thanks, and I feel very gratefully your most kind, though unnecessary condescension, in submitting it to my consideration before it should be received by him. I received from John a letter last night in answer to mine to him upon the subject which has lately engrossed our attention, and nothing did ever give me greater satisfaction than that letter. I think it probable that he has preserved my letter; and, if so, he can show you what I wrote to him. Our thoughts, as expressed in our respective letters, are much alike, but comparison will prove what has been so often remarked, that female correspondence has a charm in it, of which that of my sex is always devoid."

Lord Redesdale, on the accession of the Whigs to power in 1806, had quitted the Chancellorship of Ireland; but he continued to take a lively interest in the affairs of that country, and made them the frequent subject of his correspondence with Lord Eldon. The results of his experience are not unimportant in reference to our own times.

Lord Redesdale to Lord Eldon.

"Batsford, Sept. 15th, 1821.

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"It is rumoured that Lord Talbot is to be the last Lord Lieutenant of Ireland. I do not think that Ireland is ripe for such a change.

* * * * * *

"If the court of the Lord Lieutenant were removed, few of the Irish gentlemen who remain in Ireland would continue there. The court at Dublin also contributes to the civilisation of Ireland, by introducing something of good manners among those who frequent it."

Lord Redesdale to Lord Eldon.

"Batsford, Dec. 19th, 1821.

* * * * * *

"The visit (of George IV.) to Ireland I always thought imprudent; and the conduct there *very* imprudent. It was to me ridiculous to find O'Connell a flaming courtier; and I had no doubt of the sequel. Ministers have fancied that Ireland would do better without a Lord Lieutenant, and some of them have called his office a useless pageant. But under the present circumstances they would govern the colonies as well without governors, as they can govern Ireland without that pageant. If the pageant is useless, it is because they make it useless; because they give him a secretary to thwart him, or to be a viceroy over him. The office of Lord Lieutenant requires, in my opinion, a considerable portion of ability, sound judgment, discretion, firmness, good temper, and conciliating manners. Such a Lord Lieutenant ought to be supreme. If Ministers think fit to appoint to such an office a man wholly unqualified for it, they must put him in leading strings, and give him a secretary with all the qualities which the Lord Lieutenant ought to have, and moreover with a disposition to conceal, rather than to display, his power over his superior—to lead and not to command the Lord Lieutenant.

* * * * * *

"In England the machine goes on almost of itself; and therefore a very bad driver may manage it tolerably well. It is not so in Ireland. That country requires great exertion to bring it to a state of order and submission to law. The whole population, high and low, rich and poor, Catholic and Protestant, must all be brought to obedience to law: all must be taught to look up to the law for protection, and to treat it with reverence. The character of the gentry, as well as of the peasantry, must be changed: the magistracy must be reformed. There must be no such sheriff as Sir V. C., whose letters you may remember to have seen in an appeal case in the Lords; no such justices of the peace; and the principal nobility and gentry must be prevailed upon to act as justices of the peace, as they do in England, and to attend the Quarter Sessions. The gentry are ready enough to attend grand juries

to obtain presentments for their own benefit, but they desert the Quarter Sessions of the peace. The first act of a constable in arrest must not be to knock down his prisoner; and many, many reforms must be made, which can only be effected by a judicious and able government *on the spot:* Ireland, in its present state, cannot be governed in England. The final administration may be controlled here; but the general executive government must be under the immediate control of an administration on the spot, — seeing and knowing accurately and minutely all the exigencies of such a government, the means of effecting changes, which must be operated gradually, by persuasion, by the workings of the minds of the people, —and with a prompt and ready hand to control and instantly to put down every obstacle to the course of reform.

* * * * * *

"If insubordination compels you to give, how are you to retain by law what you propose to retain, whilst insubordination remains? It can only be by establishing completely the empire of the law that you can retain what the law authorises you to retain. The physical force is with those who will disobey the law: it is only by supplying the defect of physical force by political power, that you can retain men in obedience to law, who are disposed to break it, and have the physical force necessary to support them in disobedience."

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The last week of December 1821 brought a very pleasant letter from the King, indicating anything but an intent to change his Chancellor.

King George IV. to Lord Eldon.

"My dear Friend, "Brighton, Dec. 26th, 1821.

"You flattered me that when you had relaxation from business you would make me a short visit. It strikes me that next Monday and Tuesday are the two most probable days to afford you such an opportunity; therefore, if this should be so, and unless you have formed any pleasanter scheme for yourself, *pray come to me then.* I believe it will be necessary for you to swear in one or two of my state servants, the most

of whom you will find assembled here; therefore pray be properly prepared. I hope it is not necessary for me to add how truly happy I should be, if our dear and good friend Lord Stowell would accompany you. A hearty welcome, good and warm beds, turkey and chine, and last, though not least in love, liver and crow, are the order of the day.

"Ever, my dear Lord,

"Most sincerely yours,

"G. R.

"P. S. — N. B. No church preferment will be requested upon the present occasion."

The distress of the agriculturists, and the temporary inconveniences of the return to a metallic currency, had produced so strong a feeling of discontent among various classes of the nation, that the Ministry now found it necessary to take some steps for strengthening their position in Parliament. The leaders of the Whig Opposition were most of them men of more reputation for brilliancy and boldness, than for the judgment, the experience, the firmness, the forbearance, and the application, which are requisite in office: and from *their* rivalry, therefore, the Ministers apprehended very little;—but there was a section of their allies, the immediate followers of Lord Grenville, of whom several, having held political employments and possessing habits of general business, had considerable practical usefulness. Without some coadjutors so qualified, it was conceived that the Whigs, if office should at any time be offered to them, could hardly manage to construct an Administration steady and serviceable enough to be tolerated by the country: and thus it was judged that the most effectual way to disable that party from supplanting the then Ministry would be to detach their working men. The Gren-

villes, whose general principles were not materially different from those of the majority of the Cabinet, (except upon the Catholic question, on which, however, they had the concurrence and countenance of Lord Londonderry,) accepted the proposal of office: and their adhesion, though it brought but little of positive strength to the Ministers, produced perhaps the effect which Lord Liverpool had expected from it, of increasing the disadvantages of the Opposition.

The enrolment of the Grenville party in the Ministerial ranks was, however, extremely unacceptable to the friends of the Government in general; especially as the new recruits were not enlisted without a smart bounty, of which it was thought that the old and stanch supporters of the Ministry would have been much more deserving recipients. To see a section who had done nothing for the interests of the party, nay, had usually thwarted those interests, invested with a variety of offices and honours to the exclusion of many who had borne the heat and burthen of the day, was matter of annoyance, not only to the feelings of disappointed individuals, but to the general sense of justice throughout the party. To Lord Eldon, as a personal question, the subject was of course indifferent; but it was distasteful to him upon broad grounds of principle and prudence.

Lord Eldon to Lady F. J. Bankes. — (Extract.)

"Jan. 14th, 1822.

"This coalition, I think, will have consequences very different from those expected by the Members of Administration who have brought it about. I hate coalitions." *

The Ministry, however, had obtained, before the

* See his letter to Mr. Perceval, Chap. XXXIII.

opening of Parliament, a most important addition to the strength of their Cabinet, in the person of Sir Robert, then Mr. Peel, who had accepted the office of Secretary for the Home Department in the room of Lord Sidmouth; that Nobleman retaining a seat in the Cabinet without any political office.. Thus reinforced, the Ministers met Parliament on the 5th of February 1822, when the Session was opened by the King in person.

Lord Eldon to Lady F. J. Bankes.—(Extracts of two letters.)

"Feb. 21st, 1822.

"Lord Holland says all articles are now to be had at low prices, except Grenvilles. Lord Erskine, alluding to Charles Wynn's voice*, says, Ministers are hard run, but they still have a squeak for it."

"March 16th, 1822.

"I am not aware what they were about in the Commons last night. In the Lords we passed the 5 per Cent. Bill, and some petitions were presented about Irish tithes: one was presented by the Duke of Devonshire, making a speech, which, for its elegance, in sentiment and language, surprised me very much, as it did the whole House."

The Catholic question, as usual, was among the most prominent matters of the season. Mr. Canning having given notice in the House of Commons, for the 30th of April, of a bill reinstating the Catholic Peers in their legislative privileges, the Lord Chancellor writer thus to his brother:—

Lord Eldon to Lord Stowell.—(Extract.)

"Dear Brother, (Probably April, 1822.)

"Nothing new to-day.

"Peel is studying much the objections to Canning's mo-

* Mr. Wynn was among those members of the Grenville party who had accepted office under the new arrangement.

tion. Canning says the Peers should be first restored, because they were last excluded. The *papist king* was the *last* excluded.

"I understand that Elstree has made some families happy. It is a most dreadful set off against that, that the disposal of it has rendered pretty nearly thirty most miserable. My applying clergy may be divided into two classes — applicants who have begot twelve children, and applicants who are most anxious to marry in order to beget twelve; and every man of each class thinks the Chancellor bound to provide for him and his, that are, and are to be. My present situation demands that I put a stop to all future applications to me: — seventy-one on the 4th of June as an individual; twenty on the 6th as a Chancellor, — and, determined not to stay longer, and under apprehension that I shall expose myself if I do, I must do the best I can, in a very short time and with very scanty means, for those who have claims already formed upon what has passed; and to new applications I must give negative answers. As Chancellor I will not meet another Session of Parliament.

"I have been reading a book, written by a man of the name of Prescott, of Liverpool, in support of the History of Creation, as given in Genesis, against the Newtonian and other systems of philosophy, astronomy, &c. He sent it to me. Do you know anything of him? He seems (to a man as little of a scholar as I am) a learned man — and I can say, with more confidence in my own judgment, a man who, if not learned, is naturally able."

Lord Eldon to Lady F. J. Bankes. — (Extracts of four Letters.)

"Westminster, April 27th, 1822; half-past eight.

"I am down here to give a charge to my old friends the Pix Jury, as to-day is the trial of the coin, and the Goldsmiths' dinner. I am always a little nervous before I make this sort of address, and such a strange being is man, that, though I could talk before a parliament with as much indifference as if they were all cabbage plants, a new audience has ever borne an appalling appearance."

(Probably April or May, 1822.)

"Before I went to the Drawing-room yesterday, to my surprise in comes Dr. Baillie; and I was about sending him away, when I found that Pennington and Mamma had agreed that he should come, and I was to know nothing of the intention; but, unluckily for their plot, most kindly intended towards me, the doctor came at the wrong time. The intention of Pennington was to learn Baillie's opinion, whether his (P.'s) treatment had been all right, and the doctor stated that he had nothing to add to it, and nothing to take away from it — that it must be persevered in — no meat, except a morsel every other day, and no wine on any day, and bleeding three or four times a year. The doctor made Mamma sit down before him, put on his spectacles, surveyed her face and her eyes very particularly, and felt, I think, every vein in every part of her head, most anxiously and repeatedly. Care, he thought, very necessary — he did not think, with care, there was danger — he said he could be of no use: — P.'s proceedings were all right. This business fluttered Mamma very much, and brought the roses into her cheeks, till she looked quite young and beautiful, and put me in mind of fifty years ago. * * * *

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"The Drawing-room, yesterday, was like all such things. Since hoops were left off, everybody comes to court, which is quite wrong: it was for that, among other reasons, very full.

"At a meeting in Bedfordshire, according to some of the newspapers, they have been reporting some coarse jokes about the Duke of Buckingham, and declaring them to be the Chancellor's, in which there is not a syllable of truth. They are ill-natured and vulgar, and don't belong to me — such as, 'There was formerly a *Sheffield* Duke of Buckingham, and 'now we have got a *Birmingham* Duke of Buckingham,' and other like things."

"Sunday (probably May 5th, 1822).

"We had a great meeting at the Royal Academy's opening yesterday. I sat between the French and Russian ambas-

sadors: my French talk was about as good as their English conversation.

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"I am going as usual to Carlton House; the King is still confined with the gout. How he is to manage, with some Ministers servants of the Pope, and others foes of his Holiness, I can't tell; but if I was a King, I would have my servants all of one mind.

"Monday Morning.

* * * * * *

"P. S. — I found the King in bed yesterday. He has had a pretty severe gout. He has been in a bodily condition not enabling him to bear well (what has greatly hurt him) the knocking off the post-master, after knocking on the head the Admiralty Lord. I don't wonder that he feels, for they are stripping the Crown naked, and the Commons, by addressing instead of proceeding by bills, are putting the House of Lords out of the system."*

"May 8th, 1822.

"Great uncertainty as to the event of next Friday on the Catholic business. I think it will pass the Commons, and whilst individuals are voting for it *there* under a conviction that it will be lost in the Lords, there is reason, very much, I am sorry to say, to doubt that, — for Lords are beginning to think it foolish to be the instruments by which other persons may vote dishonestly."

The measure Lord Eldon here refers to was Mr. Canning's bill for enabling Roman Catholic Peers to sit and vote in the House of Lords, which was read a

* This letter refers to two votes of the House of Commons: the first on the Navy Estimates, March 1st, when that House, by curtailing the grant for the salaries of the Lords of the Admiralty, declared its opinion that one of those officers ought to be discontinued: the second on a motion made May 2nd, when the House determined to address the Crown for the discontinuance of one of the Postmasters General.

second time in the House of Commons on Friday the 10th.

Lord Eldon to Lady F. J. Bankes.

"May 16th, 1822.

"To check the efforts making to pull down all the establishments of the Crown, Ministers declared in the House of Commons last night, in a debate upon the Civil List, their intention to resign if those efforts should succeed again. This seems to have brought the country gentlemen to their senses, and the Government succeeded by a majority of 127. Tierney seems to have made fun by representing that Liverpool and the Chancellor would never resign, and that the face of the Chancellor would be irresistibly comical after resignation. There is no harm in such fun."

The Marquis of Lansdowne having moved a resolution on the 14th of June respecting the general state of Ireland, which, if suffered to pass, would have implied a censure on the Administration, Lord Eldon, opposing him, took occasion to express his deep regret that the Noble Marquis, in dealing with the subject of tithes, had never mentioned them but under the descriptions of tax and impost.

"With the utmost deference," said he, "I will tell that "Noble Marquis, that the other nine-tenths of the proceeds "arising from the estates belonging to him might be so "characterised with just as much fairness, as the one-tenth "which is the property of the clergy. To the Noble Earl "who has just spoken (Lord Limerick) I will also say, that "I have just as much right to interfere with the receipts of "his estates, as he has to interfere with the tithes of the "clergy. One-tenth, of the proceeds of those estates which "the Noble Earl calls his own, is not his property."

Lord Encombe being now of sufficient age to receive confirmation, his grandfather thus addresses him upon that approaching solemnity:—

Lord Eldon to Lord Encombe. — (Extract.)

"My very dear John, (About May 24th, 1822.)

"It will be quite right for you to be confirmed at Winchester; and I trust that, with God's blessing, you will fulfil the great Christian duties, and discharge the important Christian obligations, which, when confirmed, you take upon yourself, as those which, in after life, *are to be* discharged and fulfilled. And, I hope, that, confirmed in the Church of England, you may, in and through life, be a zealous supporter of that Established Church, — with every inclination to a liberal and enlightened toleration of those who dissent from it."

The Roman Catholic Peers' Bill had passed the House of Commons, and the time now drew near for the discussion of it in the House of Lords. Expecting an important division on this subject, Lord Eldon writes thus to Lady F. J. Bankes: —

(Probably May or June 1822.)

"I am sorry to hear that your Bishop (the Bishop of Norwich) is coming, though I am far from wishing him to be indisposed. He brings his own vote, and the Bishop of Rochester's proxy; and *two* is *two too* much."

On the 21st of June, the Duke of Portland moved in the House of Lords the second reading of this bill. Lord Colchester and Lord Erskine having spoken, the Lord Chancellor said,

"This bill demands nothing more nor less than unlimited "concession to the Roman Catholics. Give them this, and "you can hereafter resist nothing which you ought to resist. "I should act most unworthily if I could hesitate one single "moment to grant any thing which they could request, pro- "vided the Protestant Church were secure. But I never "could learn what securities are to be given to the Pro- "testant Church; and that is the reason why I never could "assent to the concessions asked." — After commenting upon the insufficiency of the securities proposed in the bill of the

preceding year, which he said were, in his view, no better than nonsense and trash, he proceeded,—"I can avail myself of the authority of Mr. Pitt, of Mr. Grattan, of many "Noble Lords in this House, of every celebrated advocate "of concession during the last twenty years, and even of the "respectable gentleman who is supposed to be the author "of this bill, to bear me out in asserting, that, until the end "of last Session, not one of them ever asked concessions to "the Roman Catholics without securities to the Protestant "Church. It may be said, that this is a particular measure, "and has nothing to do with the general one; but that I "deny. When your Lordships shall have passed the bill "now before you, it will be out of your power to deliberate "as you ought upon any further concession.

"On looking at the bill in its original shape, I was disposed to think I had been misled by some foolish fellow of "a printer, who had been working from the wrong manuscript; "for that original bill, to my great astonishment, proposed "to repeal a certain Act of the reign of Charles II. It is "not a little extraordinary, that the Right. Hon. Gentleman "(to whom I wish well, whatever part of the world he may go "to*), assisted as he has been by the labours of many lawyers, "should have pretended to repeal an act which had been repealed a hundred years before.† That absurdity, however, "has been got over; and now the advocates of the bill rely "upon this, that the circumstances, and the causes for exclusion, which existed in the time of Charles II. are removed; "without ever considering whether, with the disappearance of "the circumstances and causes which existed in the time of "Charles II., those other circumstances and causes which "have called forth repeated enactments *since* that period "have disappeared also. No man can look at the history of

* Mr. Canning, the author of this bill, was then preparing to proceed to India as Governor-General. — See the end of this Chapter.

† The oaths of allegiance and supremacy prescribed by 30 Car. 2. c. 2. s. 2. were repealed by 1 W. & M. 1. c. 1. s. 3.: and see sections 4, 5, 6, 7, and 8, substituting new oaths of allegiance and supremacy.

"this country prior to the Reformation, without feeling that "our ancestors, however nobly they may have conducted "themselves in other respects, submitted ignominiously to "the See of Rome. From the Reformation to the Revolu- "tion, the public mind took another turn, and the country "was afflicted with all those miseries which naturally resulted "from the unsettled condition of its religion, and the dif- "ficulty of determining whether the Catholic or the Pro- "testant creed was to be ultimately adopted by the state. "If the House decide in favour of the present measure, they "will place the country in the same difficulties, and expose "it to the same calamities, until another revolution shall de- "termine whether the Catholic or the Protestant religion "shall predominate. If you are of opinion that the Ca- "tholic religion ought to predominate, you should say so: if "you think the Protestant religion ought to predominate, "you should say so: one or other you are bound to say. An "act to repeal the acts by which, at different times, restric- "tions have been imposed on the Catholics, is an act to "restore the supremacy of the Pope. Lord Chief Justice "Hale has distinctly stated, that it is impossible for Pro- "testants and Catholics to take the oath of allegiance in the "same sense, if the Catholic refuse to take the oath of "supremacy. In the reigns of Henry VIII. and of Elizabeth, "the struggle was between *these* parties. But there after- "wards arose *another* sect, the Protestant Dissenters from "the Protestant Church; and then came the Corporation "Act and the Test Act. It is impossible that you can give "the Catholics what they ask, and leave the Protestant "Dissenters in their present state.

"In the fifth year of Elizabeth, by a strange anomaly, "the House of Commons was at liberty to have Roman "Catholic members, while the House of Lords was pro- "hibited.*

"It is with perfect astonishment I hear it insinuated, that "all the great men concerned in the Revolution were seized "with such a terrible fright at the Popish plot, as to have "been led, by those fears alone, into continuing the pro-

* 5 Eliz. c. 7. s. 17.

" visions of the Act of Charles II. as a part of the settle-
" ment of 1688. In my opinion, if Titus Oates had never
" been born, the same enactments would have been judged
" requisite. I cannot forget what Russell said of popery,
" what Sidney said of it. The question with me is, whether
" the measures of William, of Anne, of George I., and of
" George II. for the security of the Protestant Establish-
" ment, shall, or shall not, be repealed. To those mea-
" sures it was that allusion was made in all the acts of
" indemnity, and never to the Act of Charles II. As for the
" confidence to be placed in a King, I look upon his word to
" be as sacred as his oath; but that will not do as a security
" for the Constitution. James II. said often, that nothing
" could be nearer to his heart, than the protection of the
" Protestant religion; yet he went on making his own will
" the law, and dispensing with the Act of Charles II., and
" with all other acts that ought to have bound him. I,
" therefore, should be unwilling to trust a King any further
" than the law has trusted him. I am anxious to provide for
" to-morrow as well as for to-day; and not being able to
" foresee what may happen, I am desirous to retain the secu-
" rities which our ancestors, at the Revolution, considered to
" be necessary. I may be told, indeed, that no acts, not
" even those of the Revolution, can be considered funda-
" mental, and that the Legislature of one day cannot bind the
" Legislature of another; but it is not discordant with the
" principles of legislation to say of certain acts, that posterity
" should be cautious of disturbing them. The acts of which
" I speak were stated, at the time, to be fundamental, and
" for ever binding; and this marks, at least, the importance
" attached to them by our ancestors. What was the lan-
" guage of King William in all his communications? Over
" and over again he stated, that some permanent settlement
" must be made, in order that the religion and liberties
" of the country might never again be put in danger. And
" what did our ancestors do? They re-enacted the dis-
" ability of the Catholic Peers to sit in Parliament; they
" provided that the Lords should be Protestant, that the
" Commons should be Protestant, and that the King should

"be Protestant also; nay, they even took care to provide "that he should marry none but a Protestant; and, not "content with all that, they added a Coronation oath, by "which the King bound himself to support the Protestant "religion as by law established. That is, at the time of "the Revolution, they made the Church and State Pro-"testant; they took care that the King could not take his "seat upon the throne, without pledging himself to protect "both Church and State, under the obligation of an oath; "they determined that the Parliament should be Protestant "as well as the King; and they declared by the Bill of "Rights that this should be the law for ever. Therefore, "without meaning to say that Parliament has not the *power* "to alter a law if it think proper, I will express my opinion "that we ought to proceed with great caution in a question "of such vast importance, and hesitate before we pass this "censure on the authors of the Revolution.

"But I now come to the Union with Scotland; and I "must say that if we are at liberty to do that which is now "proposed, the Parliament of Scotland made a bargain with "the English Legislature so exceedingly foolish, that I do "not know how to designate it by any appropriate epithet. "The English enactments, on the subject of that Union, are "very few: those passed by the Parliament of Scotland are "more numerous. I will call on Noble Lords to read the "enactments both of England and of Scotland relative to "the Union: and when they shall have done that, they will "harbour no doubt that a pure Protestant Legislature was "intended. It is expressly stated, that no man shall be "elected, and that no man shall elect, to a seat in either "House, who is not a Protestant. It appears utterly im-"possible that, under those statutes, we can agree to this "bill. If we can, we may, at our own pleasure, overbear "the whole of the enactments connected with the Union of "Scotland and England.

"I have to remind your Lordships that soon after the "Revolution an Act had been passed*, which, though it had "nothing to do with the causes of the Act of Charles II.,

* 13 Wm. 3. c. 6.

" did yet recognise the provisions of that measure. In the " same way, the Act of George I.*, without referring to the " Revolution as necessary or not, without adverting to the " causes which produced that Revolution, did yet refer to all " the acts and declarations which had sprung out of it, and " did re-enact them all. It is impossible for your Lordships " to concur in the present proposal, without affirming that all " the causes and circumstances which occasioned the various " acts passed since the reign of Charles II. have now ceased " to exist. But how can this be affirmed by those who, year " after year, when bringing bills into Parliament on this " subject, have always ushered them in with a declaration " that they could not think of trenching on the Protestant " Establishment in Church and State, and have therefore " proposed to protect it by what they called securities, but " which I certainly consider to be no securities at all? How " any man can introduce such a measure as this, and say " it will have no effect upon the general measure of eman- " cipation, is what I am unable to conceive; and, submis- " sive as I am sure the people of this country will be to " whatever the Parliament shall enact, still I hope that, on " this important subject, the people's general feelings will " not be forgotten. I know not what it means, that one body " of people shall be excluded from the House of Commons, " while another body, professing the same faith, are admitted " into the House of Peers. If they come into this House, " they must sit in the other; it cannot be otherwise. Will " the noble mover of this bill † abrogate any of those enact- " ments, with respect to religion, which affect the Sovereign? " Will he allow the King to marry a Papist? If the Noble " Duke, from a conscientious feeling, would prevent his " Sovereign from marrying a Papist, he must equally, from " a conscientious feeling, object to the introduction of Papists " into this House. I am quite sure that if I agree to this " measure I can resist no other. It is neither more nor less " than a motion for general emancipation, and therefore I " cannot consent to its adoption. In a short time, it will be " of very little consequence to what I do consent, or to what

* 1 Geo. 1. stat. 2. c. 13. † The Duke of Portland.

"I do not; but while I retain the power, I will endeavour "to discharge my duty firmly. It is constantly urged that "the question of emancipation will be carried sooner or "later. I do not believe it; and I think that the oftener "the assertion shall be made, the less will be the chance of "its being fulfilled. Though these were the last words I "had ever to speak, I would still say that, if this measure "be carried, the liberties of my country as settled at the "Revolution, the laws of my country as established by the "securities then framed for the preservation of her freedom, "are all gone; but I shall have the pleasure to reflect that I "have not been accessary to their destruction. Those laws "and liberties of England I will maintain to the utmost; "and therefore I will give my decided opposition to this "measure."

The bill was negatived by a majority of 171 against 129.

It seldom happened, during the Chancellorship of Lord Eldon, that on any subject connected with the rights of property, the House of Lords adopted a measure which he opposed. One of the few exceptions took place in the instance of what was called the retrospective clause of the Marriage Act Amendment Bill. The Marriage Act, 26 Geo. 3. c. 33. s. 11., had enacted, that the marriage of any minor by licence, not being a widower or widow, should be absolutely null and void, unless with consent of parent or guardian, as therein particularised. The attempt made in 1820, to repeal this clause, had been defeated with the aid of the Chancellor; and was renewed in the present bill, which had passed the House of Commons. Now the proposed repeal, by setting up a great number of marriages otherwise invalid, went retrospectively to annul certain rights of property, which the invalidity of those marriages

had already let in; and against this *ex post facto* legislation the Lord Chancellor continued to express the strongest objection. On the 18th of June, when the bill was in committee of the House of Lords, the clause embodying the repeal was pressed by the present Lord Ellenborough, and resisted by Lord Stowell, who, addressing their Lordships for the first time, recommended the postponement of the subject till another Session. Lord Westmoreland earnestly supported the repeal.

He was answered by the Lord Chancellor, who began by expressing his opinion that the bill ought to be divided, and the retrospective and prospective clauses made separate measures. He said it had been assumed that the marriages which the retrospective clause would legalise were real ones; but that was not the case; they were no marriages at all, and the parties, if they pleased, might marry other persons to-morrow. He objected also to certain prospective clauses, which provided that future marriages, solemnised by licence without the prescribed forms, should be voidable only and not absolutely void.

These prospective clauses were finally omitted. On the 20th of June, the Lords having resumed the Committee on the bill,

The Chancellor repeated his objection to the retrospective clause, as unsettling the rights of property.

The Report being brought up on the 25th,

He expressed his approbation of a change which had been made in the prospective part of the bill, and which, instead of leaving future marriages voidable for irregularity, as had at first been proposed, was based upon the sounder principle, that a marriage once contracted ought to be indissoluble: but the retrospective clause he still resisted. He said it was a partial measure, giving validity to illegal marriages solem-

nised by licence, which were the marriages of the higher classes, but leaving wholly uncured the defects in marriages by banns, which were those of humbler people. But his principal ground of opposition was its injustice to persons who having, by the invalidity of particular marriages, acquired certain rights of property, would now, by this new law, be deprived of those rights *ex post facto*.

For the purpose of putting his opinion upon record, he moved that the retrospective clause should be omitted; which motion was negatived.

The 2nd of July was the day fixed for the third reading; and Lord Stowell then moved the omission of the retrospective clause. He too was defeated. The Lord Chancellor then proposed a proviso that no past marriage, by licence, without consent of the natural or putative father, should be deemed valid if the parties knew, at the time of the marriage, that such father was living and had refused his consent. This proviso having been rejected, he moved a clause for giving validity to deeds, assignments, and settlements, made by persons having claims on any property affected by the Bill.

The Marquis of Lansdowne opposed this clause, which, he said, would give to the bill the effect of declaring children legitimate, and yet disinheriting them—of peopling the House of Lords with titled beggars.

Lord Redesdale insisted, that to destroy reversionary rights retrospectively was simple robbery.

The clause having been negatived on a division, the Chancellor proposed another, repeating the same enactment, with the addition of the words "for a good and valuable consideration." This also was rejected by a considerable majority, and then the Lord Chancellor, with a warmth which marked how little

he was accustomed to any check in that House, rose and said, —

My Lords, ten days ago, I believed this House possessed the good opinion of the public, as the mediator between them and the laws of the country; if this bill pass to-night, I hope in God that this House may still have that good opinion ten days hence. But, to say the best of this measure, I consider it neither more nor less than a legal robbery, so help me God. I have but a short time to remain with you, but I trust it will be hereafter known that I used every means in my power to prevent its passing into a law.

The bill then passed, after another division, in which its supporters formed a majority of more than two to one. Protests were entered in the Journals by Lord Eldon, Lord Stowell, and other Peers.

The Session did not pass without an attack by Mr. M. A. Taylor on the administration of the Court of Chancery. His proposal on this occasion was for a Committee of the whole House to consider the act by which a Vice-Chancellor had been constituted; but the motion was negatived by more than two to one.

Lord Eldon to Lady F. J. Bankes. — (Extract.)

(July or August, 1822.)

"Wonders, they say, never cease. You'll be surprised to hear that I dined at Lord Holland's yesterday, at the old house at Kensington, with Lords Grey, Lauderdale, and several of the Opposition. We had a very good and pleasant party, and I was quite delighted with the very curious old house. I never saw any that I thought better worth seeing. You must recollect the outside of it: it is old and curious, and the inside is in the same state as when it was first fitted up about the time of James I."

The King, having closed the Session of Parliament on the 6th of August, with a speech delivered by him in person, set off on the 10th to visit Scotland.

Lord Eldon to Lady F. J. Bankes.—(Extract.)

(August 10th, 1822.)

"The King is to be off this morning, and there is every preparation to make his embarkation and voyage down the river one of the finest exhibitions ever seen upon the surface of old Father Thames. I should like much to see this, but it's impossible that I should.

"I dine to-day with Shaftesbury, of whom I must say that, in London, no man of any county, as to a good dinner, can eclipse this Dorset Lord."

On the following Monday, the 12th, the Administration and the country sustained a heavy and melancholy loss, in the death of the Marquis of Londonderry. He had for some days preceding been affected by a determination of blood to the head, arising from an unusual pressure of official business. Under the temporary excitement thus produced upon the brain, he inflicted upon himself, with a penknife, a wound in the throat, of which he died within a few minutes.

In early life, Lord Londonderry, then Lord Castlereagh, by the measures which he took as a member of the Irish Government for suppressing the rebellion and effecting the Union, had incurred the virulent hatred of the demagogues of Ireland; and his official reputation afterwards sustained much damage from the failure of the Walcheren expedition, fitted out under his management. But when, on the death of Mr. Perceval, he succeeded to be leader of the House of Commons, he evinced powers, both of general counsel and of departmental administration, which rapidly raised him into high esteem; and the ability, with which he negotiated the great settlement of Europe at the conclusion of the war, definitively placed him, by general consent, in the foremost rank of the states-

men of his time. Strangers, visiting the gallery of the House of Commons in the expectation of a rhetorical display from its leader, were generally disappointed in Lord Castlereagh, whose ordinary language, abundantly fluent, was wanting both in force and in correctness; — although now and then, on subjects of special excitement, he would rise for a short time into a strain which few of his adversaries could equal. In the judgment, however, of persons who understood the practical objects of Parliamentary debate, his general defects of style were fully compensated by those other more essential merits which he eminently combined — his long experience and accurate knowledge of public affairs — his leading spirit, his clearness and grasp of understanding, his judicious selection of topics, his gallant adherence to his friends and followers, and (which was by no means the least important with such an assembly as the House of Commons,) the dignity of his aspect and bearing. So great indeed for many years was his influence, political and personal, in that House and with the higher classes in general, that, although not placed officially at the head of the Government, he enjoyed perhaps a larger share of its credit and power than was possessed by the First Minister of the Crown; and his loss, while it was sincerely lamented on private grounds, became also, in reference to the consequential arrangements of the Ministry, a subject of the greatest political embarrassment.

Lord Eldon to Lady F. J. Bankes.

(August 13th, 1822.)

"In common with everybody, I am oppressed and much affected by the loss of the Marquis of Londonderry.

* * * * * *

"Our own country and Europe have suffered a loss, in my opinion quite *irreparable*. I had a great affection for him, and he deserved it from me, for to me he showed an uniform kindness, of which no other colleague's conduct furnished an example. I learn, upon the best authority, that, for two or three days, he was perfectly insane; and the medical men attribute that fact to the operation upon his head of the unceasing attention to business, which the last harassing Session to him called for."

The news of Lord Londonderry's death reached the King in the harbour of Leith, where he arrived on the 15th, on his visit to Edinburgh. He immediately wrote to Lord Eldon as follows:—

King George IV. to Lord Eldon.

"Royal George Yacht, Leith Roads,
"My dear Friend, "August 15th, ½ pt. 8. p. M. 1822.

"I have this moment heard from Liverpool of the melancholy death of his and my dear friend, poor Londonderry. On Friday was the last time I saw him: my own mind was then filled with apprehensions respecting him, and they have, alas! been but too painfully verified. My great object, my good friend, in writing to you to-night, is to tell you that I have written to Liverpool, and I do implore of you not to *lend yourself* to any arrangement *whatever*, until my return to town. This, indeed, is Lord Liverpool's own proposal; and as you may suppose, *I* have joined *most cordially* in the proposition. It will require the most *prudent foresight* on *my* part relative to the new arrangements that must now necessarily take place. You may easily judge of the state of my mind. Ever believe me,

"Your sincere friend,
"G. R."

Lord Eldon to the Rev. Edward Banks.—(Extract.)

"August 20th, 1822.

"My mind is confused by incessant labour, and my Bar have been so respectful as to make it a request of the whole of them, as a body, that I would conclude my sittings. I am

satisfied that they meant this as an act of great kindness, as it really is, for though I am quite well, yet a continuance of labour would, I think, have been very hurtful, and I am, therefore, very happy to cease from working.

"'" This morning I have been much affected by attending Lord Londonderry to his grave. The concourse of people between St. James's Square and the Abbey was very great, the great bulk of them behaving decorously, some behaving otherwise; but I protest I am almost sorry to have lived till I have seen, in England, a collection of persons so brutalised, as, upon the taking the coffin at the Abbey door out of the hearse, to have received it with cheering for joy that L. was no more. Cobbett, and the paper called the 'Statesman,' have, by the diabolical publications he and that paper have issued, thus demoralised these wretches."

Lord Eldon to Lady F. J. Bankes. — (Extract.)

" 21st August 1822.

" He (Mr. E. Bankes) writes with great kindness about dear John, who, I am sure, would, in all that relates to you, manifest a good heart, for that he certainly has; and I think I can venture to say that he would not occasion trouble in any circumstances, for I have seen no instance of a young person who could keep himself constantly busy and constantly amused with so very little trouble to other persons: he seems disposed to give all he can to the rabbits, and I hope they have afforded him amusement enough, though not over-abundant.

" My Bar took leave of me yesterday for the vacation, with great respect, and affectionately and affectingly. I have, however, still an enormous load of papers to dispose of at home before I can move, and a letter I have had from the King makes it impossible, I think, that I should move till he comes.

* * * * * *

" The changes in Administration, which must take place in consequence of the late event, nobody at present knows any thing of, as the consideration respecting them was to be, and has been, entirely postponed till his return."

When the King's return took place, the difficulty of supplying Lord Londonderry's loss was in no degree diminished. Mr. Peel had not yet had sufficient opportunity of evincing his great powers for the conduct and discussion of public affairs, to command the station which many of his colleagues would have gladly seen assigned to him; while Mr. Canning, the leader whom the House of Commons might be supposed at that time most likely to recognise and follow, was unpopular with the Anti-Catholic party in general, obnoxious to the Lord Chancellor in particular, and in some degree (as respected the late Queen, of whom he had been a personal friend and adherent) objectionable to the King himself. But Lord Liverpool, who had been connected with Mr. Canning from early life, and knew the value of his extraordinary faculties, both in Government and in debate, was resolute in his behalf. He at length prevailed, and Mr. Canning, who, having been appointed Governor-General of India, was on the point of sailing, was detained by the offer of the vacant Secretaryship of Foreign Affairs, together with the lead of the Government in the House of Commons. This change, though not acceptable to all parties in the Administration, gave much satisfaction to an important portion of the country; for there was now growing up a desire of improvement in various branches of political and civil constitution and government, and to such improvement Mr. Canning was known to be cordially favourable, although he lived and died the foe of that pseudo-liberality, which thrives by pandering to popular passion.

CHAPTER XLV.

1823.

LETTERS FROM LORD ELDON TO LADY F. J. BANKES, TO LORD STOWELL, AND TO LORD ENCOMBE.—PRIVATE PROPERTY OF THE SOVEREIGN.—FRENCH INVASION OF SPAIN.—LETTERS OF LORD ELDON TO LORD ENCOMBE AND TO LADY F. J. BANKES.—MR. WILLIAMS'S FIRST MOTION ON DELAYS IN CHANCERY.—DEBATES IN HOUSE OF LORDS: DISSENTERS' MARRIAGES—OATH OF SUPREMACY—APPEAL BUSINESS, AND SPEECH OF MR. BROUGHAM IN THE HOUSE OF COMMONS.—LETTERS, OF LORD ELDON TO LADY F. J. BANKES, OF THE KING TO LORD ELDON, AND OF LORD ELDON TO LORD STOWELL.—LINES ON THE CHANCELLOR.

Lord Eldon to Lady F. J. Bankes. — (Extract.)

"Jan. 4th, 1823.

"YOU will see, in this morning's paper, the account of the meeting in St. Andrew's Hall, Norwich. Mr. Coke and the party had, acting properly, confined the purpose of the meeting to petition Parliament upon agricultural distress,—when in comes Master Cobbett, and carries all before him, to petition against a corrupt House of Commons, for Reform. Coke, Rev. Mr. Glover, &c., all turned into cyphers,—as men of this description always will be when they are such fools as to suppose that they, riding in a whirlwind, will be suffered to govern the storm they excite. To the madness of the people, as to the waves of the sea, Omnipotence only can say effectually, 'Thus far shalt thou go and no farther.' The democrats have just made such fools of these people, as Wooler and others did of Lord Fitzwilliam and Fawkes, &c., at York, about two years ago. It is quite impossible to teach some men wisdom. All the lessons even of that great teacher, Experience, are thrown away upon them."

The next letter is not dated, but must have been written very shortly afterwards, as Mr. Huskisson's appointment, mentioned in it, was gazetted on the 31st of January.

(Probably written toward the end of Jan.)

"Dear Brother,

"The 'Courier' of last night announces Mr. Huskisson's introduction into the Cabinet — of the intention or the fact I have no other communication. Whether Lord Sidmouth has or not, I don't know, but really this is rather too much. Looking at the whole history of this gentleman, I don't consider this introduction, without a word said about the intention, as I should perhaps have done with respect to some persons that have been or might be brought into Cabinet, — but turning out one man and introducing another in the way all this is done, is telling the Chancellor that he should not give them the trouble of disposing of him, but should (not treated as a Chancellor) cease to be a Chancellor. What makes it worse is, that the great man of all has a hundred times most solemnly declared, that no connection of a certain person's should come in. There is no believing one word any body says — and what makes the matter still worse is, that every body acquiesces most quietly, and waits in all humility and patience till their own turn comes.

"I have written to Liverpool (before this news came, and therefore, not on the ground of this fact,) that I have no wish to remain Chancellor; and, to say the truth, I think those who do remain, and especially that officer, stand a very good chance of being disgraced.

"I despair altogether of the appeal project doing any good. If they don't alter their proceedings in Scotland, nothing can be done in the House of Lords. I believe it is thought that shorter work might be made of causes there. I told Liverpool, in my letter, that I cannot alter my course of conduct and practice in that respect: that I hold the degree of caution, on which it is founded, essential to justice in every court, and without it, that the House of Lords would be the worst tribunal in the land.

"Pray tell Lord Sidmouth (I am sorry to send bad news), that the accounts of Nat. Bond are very bad. I must for to-day conclude. Bodily I am well, and looking remarkably well: but I am puzzle-pated, and, in that respect, very awkward at times: upon the whole, however, greatly better; full of plans as to locomotion — nothing determinate.

"Love of all to all,

"Yours most affectionately,

"ELDON."

The dissatisfaction expressed in this letter appears to have passed away without any result beyond a little murmuring; for the Parliamentary Session of 1823 was opened by Commission, on the 4th of February, in a speech delivered by Lord Eldon as Chancellor. The distress of the agricultural classes was one of its prominent topics, against which was arrayed the hope of general improvement presented by the growing prosperity of manufactures. Some of the Radical leaders, however, went about the country during the winter, endeavouring, as usual, to unsettle the minds of the people. It is to one of these attempts that Lord Eldon adverts in the next letter.

Lord Eldon to Lord Encombe. — (Extract.)

"My dear John, "March 4th, 1823.

"I see by the newspapers that you have had a county meeting at Winchester, where Master Hunt, Cobbett, &c. &c. are represented as attempting to do as much mischief as they could effect. But there is too much good sense in this country to enable such *gents* to lead astray honest and good Englishmen. Since the world was made, no country has enjoyed under Providence such blessings as this kingdom has enjoyed: *felices nimium*, we may say of our countrymen, *sua si bona nôrint*. Let us retain the blessings we enjoy, notwithstanding the attempts of these demagogues, instead of trying experiments upon the Constitution of our country, the effects

of which we cannot see. 'Fear God, honour the King, and meddle not with those who are given to change*,' is scriptural doctrine, and we shall do well to adhere to it.

"Yours,

"ELDON."

Lord Eldon to Lord Encombe. — (Extract.)

"My dear John, "March 17th, 1823.

"I observe with much satisfaction what you write about books. They form copious sources of comfort and happiness. They travel with us, they domesticate with us: '*delectant domi, non impediunt foris.*' Some such words, I think, your friend Cicero uses, though perhaps I may be now inaccurate in my Latin.

"Sheridan, in his 'School for Scandal,' and in 'The Critic,' in which I think *our acquaintance* Burleigh† says so much when he says nothing, exhibits great proofs of bright talents. I knew him. I often heard him speak most eloquently in Parliament. If he had applied his great talents to great and useful purposes in life, he would have been one of the most useful and considerable of the men who have lived in my time, or perhaps in any age. But he lived a life of great dissipation; and a remark which, when you happen to read Dr. Johnson's 'Life of Savage,' (another man of brilliant talents not duly applied,) you will find at the close of the Doctor's observations upon what Savage might have been, will probably appear to belong as much to Sheridan's character as to that of Savage.

"Yours ever most affectionately,

"ELDON."

An act had passed in 1800‡, for enabling the

* Proverbs, xxiv. 21. 1 Peter, ii. 17.

† NOTE BY THE PRESENT EARL. — This expression recalls to my mind the earliest recollection I have of my grandfather. He would seat himself on the sofa in his library in Bedford Square, applying the forefinger of his right hand to his cheek, and thence slowly rise and move away, throwing me into fits of laughter by his mimic gravity, though, like his prototype in the Critic, he spoke not a syllable.

‡ 39 & 40 Geo. 3. c. 88.

King and his successors to dispose of private property; but it had been so worded as to leave them without the power to dispose of lands belonging to them before their accession. A bill was introduced into the House of Commons in 1823 to remedy this inconvenience, on the motion of Mr. Peel, who observed upon the strange anomaly of the law, as it then stood, in treating the Sovereign as a subject with respect to private estate acquired by him when King, and as King with respect to private estate acquired by him when a subject. This bill having come up to the House of Lords, Lord Ellenborough, on the third reading, March 24th, asked the Chancellor's opinion as to the King's general right of alienating personal chattels.

The Chancellor stated his opinion to be decidedly that the King had the power of giving away the personal chattels of the Crown in his lifetime; and that, before the act of 1800, it was doubtful whether he might not have given them even by will. Indeed, it was only by the express enactments of the statute of Anne and other acts passed to restrain the Crown's alienation of real property, that the Crown had been deprived of its ancient and often exercised power of alienating its *lands* by grant. He would say, *speaking as a lawyer*, that, before those restraining acts, the Crown could lawfully make such grants; but whether he should say that such grants were lawful, *speaking as a statesman*, was wholly another matter.

After some further conversation, the bill was read a third time.

The public attention was at this time a good deal occupied about the probability of an invasion of Spain by France; and the Opposition, though few of them durst affirm that England ought actually to commence

a war for the sake of preserving peace, were loud in their invectives against the Government for not backing its diplomacy by at least the show of a warlike preparation. Mr. Canning's policy was milder and more dignified; and his opinions on this subject were cordially shared by Lord Eldon, as will be seen from the following extract:—

Lord Eldon to Lord Encombe.—(Extract.)

"March 31st, 1823.

"I have nothing new to tell you. France and Spain are so foolish as to go to war with each other, and probably they may both sorely repent it before it concludes. I hope old England will have the good sense to know the value of peace and quiet, and not suffer its repose to be disturbed. Dr. Johnson, in a pamphlet written many years ago, says, that men forget the actual miseries of war—the expenditure of blood and treasure—and delude themselves by supposing that it consists wholly in a 'proclamation, a battle, a victory, and a triumph.' Of the soldiers' widows and the soldiers' orphans, after the fathers and husbands have fallen in the field of battle, the survivors think not."

Lord Eldon to Lady F. J. Bankes.—(Extracts.)

"March 31st, 1823.

"I saw a Newfoundland dog at Brighton, such and so much superior to all others that I had ever seen, that I don't know what I would not have given for him. He first attracted my notice by coming behind me to take my glove, which I was dangling in my hand, into his mouth. I fell in love with him, and his master, an officer, came up to me and gave me his history, particularly his exploits in bringing drowning men out of the sea. I never saw so amiable a creature—vastly large. If you had him at Cambridge, he would have had a diploma degree."

(April 18th, 1823.)

"The whole proceeding of last night was calculated and contrived to make the Ministers quarrel among themselves;

and if I was a King, I would, I own, have a Ministry all agreed, one way or the other, about this Catholic question; for such a question ought not to be agitated every year to the utter disquiet of both Protestants and Papists."

(May 1st, 1823.)

"Accounts from Spain shocking.

"The civil war there worse than the French invasion.

"Nine-tenths of the Spaniards in favour of their old Government.

"They are *not yet* a people whom a free constitution will suit.

"A few of them have read a few theoretical French books on government, and forgetting that man is a creature of habit, have totally forgot that civil institutions can only be very gradually changed, and very slowly improved. From our accounts of the interior of Spain, there never was a country in so dreadful a state."

(May 1823.)

"I dined yesterday with Prince Leopold. The ladies were the Duchess of Kent, the Baroness of ——, some German name, Lady Gwydir, and Miss Canning. I think the Duchess of Kent is a very canny agreeable body. About twenty at dinner, and that is, to my taste, three times as many as make even a good dinner a comfortable thing.

* * * * * *

"Lady —— is to have a great party to-night: long expected. She has thought proper to inform us *this morning*, that she is to be *at home, this night.* This is a little impertinent, as her invitations to others have been circulating for weeks past, under the head of fashionable parties. I shall send for answer, that as she is to be at home, so we intend also to be at home."

(Probably May 5th or 6th, 1823.)

"The post brings me an account that my poor sister died on Saturday last at four o'clock. Though separated, from an early period in life, as residing apart and at a great distance, I feel much on this event. And Lord Stowell, who came

into this world at the same time with her, naturally feels a great deal. He is also not well.

"She suffered much in her last illness.

* * * * * *

"I received the account while sitting here in court."

(May 13th, 1823.)

* * * * * *

"No news; my scraps would — being full of nothing — be tiresome, if there was not something very delightful in receiving some evidence every day from those whom we have long lived with, that we still, in a sense, live together."

"June 16th, 1823.

"Cabinet dinner went off amazingly well! Mamma had directed things in capital style. I have seen no such doings at any other Minister's.

"The poor Duke of Cumberland came in, to me, here, on Saturday afternoon. He is hardly treated. In the improvements at St. James's Palace, they are about to take away his apartments; so that, as he says, if he can ever return to stay, he will not have where to lay his head. He was greatly affected."

This month of June had given birth, in both Houses of Parliament, to debates of much interest for Lord Eldon. In the House of Commons, on the 4th, Mr. John Williams, now one of the Judges of the Queen's Bench, brought forward the first of those motions respecting the Court of Chancery, which were framed as party attacks directly inculpating the Chancellor. A review of the substance of Mr. Williams's allegations will be found in the third volume of this biography, where Lord Eldon's judicial character is considered. The motion was keenly debated for two nights, and then negatived by 174 against 89.

The second reading of a bill for relieving Dissenters from the necessity of solemnizing their marriages in the face of the Established Church, was moved by Lord Lansdowne on the 12th of June. The Chancellor opposed it, not so much on the ground of general objection to the principle of relaxation, as by reason of the inexpedient provisions of that particular bill, and the then late period of the Session. The measure was rejected.

Lord Lansdowne, on the 9th of July, moved the second reading of a bill sent up from the Commons, for repealing so much of the statute of 7 & 8 Will. 3. c. 27. as related to the administration of the oath of supremacy to electors. The Roman Catholic electors of Ireland having been relieved from the necessity of taking that oath, the object of the present bill was to confer the same relief upon the Roman Catholic electors of England.

The Lord Chancellor opposed the measure. He said, that he should have considered it a sufficient reason for his opposition, that the bill had been introduced too late in the Session for a full discussion of its merits. But he opposed it also on the ground of its general nature. He eulogised the principle upon which these questions had been placed by the Revolution of 1688. That Revolution, he contended, was no innovation, but a restoration of the Constitution of the country. From the time of the Reformation until that Revolution was accomplished, there was a constant squabble between the Established Church and the Dissenters; and it had been well observed by Bishop Hoadly, that the Reformation would have been no blessing without the Revolution, which, by giving a supreme head to the Church, had established the union between the Church and the State.

Lord Liverpool, though adverse to what have been

usually called the Catholic claims, supported this particular bill. It was, however, rejected, by a majority of 80 against 73.

A Committee had been appointed in the preceding April, to consider the best means for facilitating the dispatch of appeals in that House, and preventing the delay in other Courts arising from the mode in which their Lordships then heard those appeals. Lord Liverpool, in moving for that Committee, informed the House, that since the arrangement of 1813 had been proposed, which had been rigidly adhered to, of devoting to those appeals three days in each week, the number of the new ones lodged had actually much exceeded the number of the old ones decided. The Commitee having reported, Lord Liverpool, on the 26th of June, in pursuance of their recommendation, proposed that a deputy Speaker of the House of Lords should be appointed, and that their Lordships, so assisted, should hear appeals five days in each week. For the Scotch appeals he suggested a separate measure, in the form of a bill, which passed as the 4th Geo. 4. chap. 85. The resolution for increasing the number of sitting days was discussed on the 30th. Lord Grosvenor having opposed it, and referred, apparently, however, without bitterness, to the Chancellor's habit of doubting,— and Lord Erskine having spoken of himself as a man more than seventy years of age, who could not be expected to take part in the judicial business of the House,—

The Lord Chancellor said, he did not see that his Noble and Learned Friend, because he was more than seventy, should withhold his assistance from the business of the appeals. In

the case of any future Chancellor retiring, the Minister should make his attendance a condition of his pension. A Noble Earl (Grosvenor), in the plenitude of his knowledge, might have no doubts on any point of the English, Irish, or Scotch law; but, when the Noble Earl took upon himself to taunt him with hesitation and doubting, he would tell that Noble Earl, that when they were deciding causes in the last resort, and their decisions were to give the law to other Courts, they could not be too cautious. The time was fast approaching when his natural life must terminate; and for his judicial life, it had already been too long: but, when the termination of his natural life did arrive, that degree of caution, which was called doubt and hesitation, would be his greatest comfort; because, by means of that caution, he had reversed decrees, and prevented the injustice of A keeping possession of property which of right belonged to B. If their Lordships would compare his conduct during the twenty years which he had sat on the judicial Bench, with the conduct of any of his illustrious predecessors — and he did not fear the comparison, on the contrary, he invited it — he was sure that the comparison would not turn out to his discredit. On that account he could not but feel indignation, when he was informed of the language in which his conduct had been arraigned in another place, by those who ought to have known better. It had been publicly asserted, that appeals in the House of Lords were nothing more than appeals from the Lord Chancellor in one place, to the Lord Chancellor in another. He should like to know, whether the persons who dealt in such assertions were aware that there were many appeals to their Lordships from the Chancery, in cases which had never been heard at all by the Lord Chancellor, but which had been decided by the Master of the Rolls, or the Vice-Chancellor? For instance, the great case of Clinton *v.* Cholmondely was not an appeal from the Lord Chancellor; and there were a number of other appeal cases now before their Lordships of a similar description. Besides this, he should like to know whether the gentlemen in Westminster Hall had yet to learn, that Lord Chancellors were not ashamed to retract their opinions, when they had reason to believe that those opinions were formed upon erro-

neous grounds. He would undertake to say, that not one of the distinguished characters who had sat before him upon their Lordships' Woolsack had ever shown the slightest reluctance to reverse his judgment when it was shown to be incorrect; and he would fearlessly ask, whether he himself had ever exhibited any unwillingness to reconsider before their Lordships any of the decisions to which he might have previously come in another place? He could say most conscientiously that he never had; and for that very reason, the insinuations which had been thrown out against his judicial conduct were as cruel and vexatious as they were unfounded and unjust. He had never upon any occasion declined, on the contrary, he had made it his continual practice, to state at length the various grounds upon which he rested his decisions, in order that the Bar might be enabled to declare to their clients whether those decisions were correct or not. And he defied any man to point out a single case where the correctness of them had been doubted, in which he had not expressed his gratitude to the party who suggested the doubt. If persons acquainted with the practice of his Court had made upon his conduct the observations which had been made upon it by those who were totally unacquainted with it, he should indeed have felt them acutely; but he was happy to say, that those observations did not proceed from those who had the best opportunities of marking his conduct. They came from those who knew little or nothing of the subject, who had scarcely ever put a foot into his Court, and who were not therefore particularly well qualified to judge of its proceedings. He would add, that, upon that very account, they were bound, in common honesty, to abstain from throwing out random insinuations, which were calculated to hurt, in the opinion of the King's subjects, an individual, who, if he was not a great judge — and he did not venture to call himself a great judge — at least filled a great judicial situation.

He then addressed himself to the question of the Scotch appeals; and, after expressing his opinions upon the remedy for their arrear, he adverted to the state of the business in the Court of Chancery, which, he said, could not be kept down by the Chancellor, if he afforded to it only three days

a week. The question then was what relief could their Lordships afford to the individual who had to discharge the twofold duty, of the Court of Chancery and the Speakership of their Lordships' House. One project, sometimes recommended, was to prevent the offices of Lord Chancellor and Speaker of the House of Lords from being ever again vested in the same person. Against that project he opposed, not merely his own individual opinion, but the collective judgment of the whole Bar. Nor did he think it expedient to remove from the Great Seal the business of bankruptcy, or of lunacy, or the jurisdiction of appeal. He had not intended anything personally offensive to any Noble Lord; but he could not always remain silent when taunted about his doubts and hesitations.

The resolutions were passed, and the arrangement of a Deputy Speakership was carried into effect.

The bill, which had originated in the House of Lords, on the subject of Scotch appeals, gave rise to some discussion in the House of Commons, on the 16th of July, when it came to its third reading. Mr. Brougham took this occasion to deliver a very amusing satire on Lord Eldon:—

This bill, he said, had been carried through the other House with the support of a Noble and Learned Lord, who would have done well to consider whether its principles might not be applied to the administration of justice in another part of the United Kingdom; for he believed the forms of process in Scotland were not more prolix or objectionable than those of the English Court of Chancery. When the Noble and Learned Lord at the head of that Court did, in the other House, in carrying the resolutions on the appellate jurisdiction, evince a great anxiety to facilitate the proceedings of Scotch law, he ought not to have forgotten that the process of the Court over which he himself presided was as fit an object for inquiry as that to which those resolutions referred. But perhaps the Noble and Learned Lord would not agree with

him, that inquiry, like charity, ought to begin at home. Yet he ought surely to have kept in view the Christian maxim; and before he proceeded to remove the mote out of the eyes of our Scotch brethren, he should have taken the beam out of his own. The proceedings might be prolix in Scotland, but he defied them to be more prolix than were the proceedings in our own Court of Chancery. An Hon. and Learned Friend opposite (Mr. Wetherell) afforded daily proof of this fact. No man made longer speeches there, though always, unquestionably, highly to the advantage of his clients. Why was not he to be examined upon this point before a commission, that he might give there, as he was in the constant habit of doing in that House, a fair, candid, and impartial opinion, uninfluenced by any wish to please persons in authority? [*Hear, hear.*] Why had not the Attorney-General and the great ornaments of the Court of Chancery been called upon to state their ideas of its abuses and of the remedies? In looking over the report which he had mentioned, it was curious to observe how summarily it disposed of a matter of grave dispute, which elsewhere was still *vexata quæstio.* It declared unreservedly, that it was impossible for the Lord Chancellor to discharge all his duties in the House of Lords and in the Court of Chancery. Such had not been the opinion of Sir S. Romilly. In 1813, Sir S. Romilly had not thought that a Vice-Chancellor was necessary, but a new Chancellor: he had admitted the great legal talents of Lord Eldon, but denied his fitness for the office he filled: he had complained that Lord Eldon did not confine himself to his judicial duties, but that his ministerial duties crossed and jostled them on the way, and interfered with their progress: he had objected that Lord Eldon was required to be not only in his own Court, but in the Cabinet, in the Privy Council, and in the King's closet: in short, that his other avocations took up so much of his time, that Lord Eldon could not devote his high talents and his unequalled learning to the cases of suitors in equity. He (Mr. B.) joined in these sentiments most heartily. He wished to speak with all due respect of the incorruptible integrity of the Learned Lord in the discharge of ordinary judicial busi-

ness. A man who stood exposed to the eyes of all the world could not well be guilty of any acts of corruption; but the appointments made by him to judicial offices formed quite a different question. There the politician interfered, and it was the opinion of all Westminster Hall that Lord Eldon carried the politician too much into Court, in disposing of the patronage attached to his station. Let it be remembered also that he had taken upon himself another office; namely, that of Prime Minister. "As to Lord Liverpool being Prime Minister (continued the Learned Gentleman), he is no more Prime Minister than I am." I reckon Lord Liverpool a sort of member of Opposition; and, after what has recently passed, if I were required, I should designate him as "a Noble Lord in another place, with whom I have the honour to act." [*A laugh.*] Lord Liverpool may have collateral influence, but Lord Eldon has all the direct influence of the Prime Minister. He is Prime Minister to all intents and purposes, and he stands alone in the full exercise of all the influence of that high situation. Lord Liverpool has carried measures against the Lord Chancellor. So have I; therefore I say that we act together. If Lord Liverpool carried the Marriage Act, I carried the Education Bill; and if Lord Liverpool succeeded against Lord Eldon in some points on the Queen's Trial, I say that I totally defeated him on that odious bill of Pains and Penalties. I might just as well call myself Prime Minister as Lord Liverpool. He has no more claim to the distinction than I have. He acts with me, and I with him; and I call him my noble co-adjutor, and I trust we shall enjoy a long course of co-operation. I am sincerely glad of it; and, long as I have sat and fought on this side of the House, I never welcomed a recruit to our body with greater satisfaction than my Lord Liverpool. Lord Westmoreland's accession may have given me more surprise, but certainly not more pleasure. With such powerful assistance, and especially with the highly classical eloquence of Lord Westmoreland, I should not much wonder if we were to make head against our opponents, and, in time, turn out this Prime Minister. The Right Hon. Gentleman opposite appears to entertain some doubt upon the point; and truly, I must myself admit, that Lord Eldon

seems to possess a grant of the place, "for the term of his natural life."

* * * * * *

In 1813, (continued Mr. Brougham,) the Chancellor sent down a bill; he then tried to do the job in that way: but he grew tired of it, and he had now prevailed upon the Peers to pass resolutions behind the backs of the Commons. In 1813 he said, "I want a journeyman Chancellor, that I may get to the House of Lords;" and in 1823 he declared, "I want a journeyman Speaker, that I may get to the Court of Chancery." If this last demand were acquiesced in, Lord Eldon might indeed attend in Chancery, or in the House of Lords, at his pleasure; but he would be relieved effectually from all the burthens of his office, and the result might be, that the practice would terminate of appointing a great and enlightened lawyer to the dignity of Lord Chancellor. Once sever his judicial and political capacities by giving him only the last, and a second Lord Shaftesbury might be made Chancellor; such a man as Charles II. made his friend, for turning into ridicule that illustrious statesman Lord Clarendon, for imitating his manners and his gait, and for employing a man to carry the fire-irons before him in mockery of the insignia of office. Lord Shaftesbury — the virtuous and pure Lord Shaftesbury — had, indeed, turned out a more honest Chancellor than he was a politician; and an instance of the same kind in our own time was not wanting.

* * * * * *

The people of Scotland, (proceeded Mr. Brougham,) were very unceremoniously used in this substitution of a Deputy Speaker for the Lord Chancellor. They were completely satisfied with the decisions of Lord Eldon upon their appeals, and must be dissatisfied with any new arrangement. The professional men of Scotland had the highest confidence in the learning, skill, and integrity of Lord Eldon. They were even satisfied with his decisions, when he differed from a large portion of them, as he sometimes did, on the law of Scotland, as affecting certain descriptions of property. Nay, some of them had gone round to that Learned Lord's

opinions on those points; and he (Mr. B.) believed that, if the lawyers of Scotland were polled, the majority would be in favour of the Learned Lord's opinions on those points. The same sentiments were entertained with respect to Lord Redesdale, whose attention to subjects of appeal was unremitting. Nothing, therefore, could be less satisfactory to the Scotch than to be deprived of the advantage of having their causes determined by individuals of such high station and character.

The Session of Parliament was closed by Commission on the 19th of July, the Lord Chancellor delivering the Royal Speech.

Lord Eldon to Lady F. J. Banks. — (Extract.)

(Probably 21st July, 1823.)

"All the world here is running on Sundays to the Caledonian Chapel in Hatton Garden, where they hear a Presbyterian orator from Scotland, preaching, as some ladies term it, *charming* matter, though downright nonsense. To the shame of the King's Ministers be it said, that many of them have gone to this schism shop with itching ears. — Lauderdale told me, that when Lady * is there, the preacher never speaks of an heavenly mansion, but an heavenly *Pavilion*. For other ears, mansion is sufficient. This is a sample!"

King George IV. to Lord Eldon.

"My dear Friend, "King's Lodge, August 18th, 1823.

"I have now to thank you for two letters; the expressions in the first bespeak so well those kind and affectionate feelings of your heart towards me, and so long known to me, as to ensure you a thorough reciprocity on my part towards yourself. With respect to the letter, which I received from you this morning, I can only say, that I hope you will not neglect availing yourself of the very first moment of release that you can seize from all your arduous and laborious occupations, to indulge in a little tranquillity and repose in the country, and which I pray God may be the means of very long preserving a life so very invaluable, both to me as a

friend, as well as to the public service. With sincere affection, I remain always,

"Most truly yours, G. R."

Lord Eldon to Lord Stowell. — (Extract.)

"Friday night:" (probably written in the beginning of September 1823.)

* * * * * *

"The appointment of Lord Francis Conyngham in the Foreign Office has, by female influence, put Canning beyond the reach of any thing to affect him, and will assuredly enable him to turn those out whom he does not wish to remain in. The King is in such thraldom that one has nobody to fall back upon. The person that has got * * * *, after having in conversations, I believe, uttered nothing that was kind about Canning, was one of his voters for his Cabinet office. The devil of it is, there is no consistency in any body. Again, upon 'ne cede malis,' it is better to go out than to be turned out!! which will assuredly be the case. God bless you, Yours affectionately,

"ELDON.

"You will be sorry to hear that since I left town I have had two attacks of giddiness in my head — unable to see, &c. &c. — affects my spirits."

The following squib, on the often-repeated announcements of the Chancellor's intended resignation, has very little merit; but he had noticed it enough to copy it, probably from some newspaper; and it is here printed from his manuscript: —

"The Chancellor vows he'll depart, as they say:
(So Derry sometimes, if his crew disobey.)
But when his resigning a Minister mentions,
We think how Hell's pav'd with mankind's good intentions:
For still being in, though so oft going out,
We feel much inclin'd, like his Lordship, — to doubt."

The lines which succeed are from a more cordial

muse, that of his grandson, who contributes them with this introduction: —

"I have found a few lines written at Winchester in the autumn of 1823, containing a tolerably accurate prediction of the close of Lord Eldon's life without a struggle, though that event occurred at a period of more than fourteen years afterwards. The seniors of the school were usually ordered at the conclusion of their Virgil lesson to compose eight or ten verses off-hand, and to repeat or read them to the master as they quitted their places. On this occasion the subject was given from the Æneid (Book vi. line 304.) 'Viridis Senectus.' My lines were the following: —

Jam gravis annorum serie longoque labore,
Dilectas sedes, rura Senator amat;
Haud illi mentis florentem animique vigorem
Nec validas vires dura senecta domat:
Qualis ubi princeps regalia tecta relinquens,
Emeritusve senex otia miles agit;
Illic solicitæ jucunda oblivia vitæ
Ducit, nec fatum sentit adesse necis,
Dum facili lætum condat mors alma sepulcro,
Gaudentemque ferat sub sua regna Deus.

"'Very well, very well!' said Dr. Gabell to me as I ended; 'I understand what you mean.'"

Lord Eldon to Lady F. J. Bankes. — (Extract.)

(Oct. or Nov. 1823.)

"As to myself, I am so well that my friends rejoice in me, and my foes don't like my visage and looks at all."

CHAPTER XLVI.

1824.

LORDS' ROTA. — ATTACKS ON THE CHANCELLOR: MR. WILLIAMS'S MOTION: LETTERS OF MR. PEEL TO LORD ELDON, AND OF LORD ELDON TO LADY F. J. BANKES, AND TO THE REV. MATTHEW SURTEES: MR. ABERCROMBY'S COMPLAINT. — APPOINTMENT OF MR. FARRER TO A MASTERSHIP: LETTERS OF MR. FARRER TO LORD ELDON, AND OF LORD ELDON TO SIR M. W. RIDLEY. — LETTERS OF LORD ELDON TO LADY F. J. BANKES. — ADVANCEMENT OF LORD GIFFORD: HIS LEGAL CHARACTER: HIS TITLE: LETTERS OF LORD LIVERPOOL TO LORD ELDON. — MEMORANDUM OF LORD ELDON ON PRETENSIONS OF LAW OFFICERS. — UNITARIAN MARRIAGES BILL. — LORD ENCOMBE'S ENTRANCE AT THE UNIVERSITY: LETTER TO HIM FROM LORD ELDON. — BILLS RESPECTING ALIENS: JOINT-STOCK COMPANIES: ENGLISH ROMAN CATHOLICS: EARL MARSHAL: KING'S REMONSTRANCE. — LETTERS OF LORD ELDON TO LADY F. J. BANKES. — SCOTCH LAW. — DORSETSHIRE CUNNING, — AND SIMPLICITY. — LETTERS FROM LORD REDESDALE TO LORD ELDON UPON IRELAND.

THE Chancellor opened the Session of 1824, by delivering the King's speech in the House of Lords, on the 3rd of February. A few days afterwards he writes thus: —

Lord Eldon to Lady F. J. Bankes.

(February, 1824.)

"Nothing of news picked up, either in Chancery or at the House of Lords, where the afternoon was employed in balloting for lords to attend the Scotch causes, as long as they should endure this Session. It was amazing, in counting and calling them over, how many, looking fresh and lively, excused themselves as above seventy — how many, who looked rosy and well, sought to excuse themselves on account of very infirm health — and how many, figuring off daily in Hyde Park and the Green Park, could not, without fatal

consequences, bear three or four hours' confinement — unless it was confinement for five or six hours at White's or Boodle's at night. However, we fixed lords enough to serve till the 12th July, at three lords a day.

A feeling of uneasiness, on the subject of his Court and of the imputations connected with it, still continuing to be uppermost in his mind, he now made it an indispensable point with his colleagues, that he should be efficiently defended in the House of Commons. The following extract is from a letter of Mr. Peel, on whose assistance he would naturally throw himself, rather than upon that of the then leader, Mr. Canning: —

Mr. Peel to Lord Eldon. — (Extract.)

"My dear Chancellor, "February 10th, 1824.

* * * * * *

"I shall be most happy to confer with you on the motions respecting the Court of Chancery.

"Every consideration arising out of my sincere esteem for you, and my knowledge of the motives of those who attack you, would induce me, zealously at least, to co-operate with more able and competent defenders in resisting these attacks.

"Depend upon it, my dear Chancellor, they can make no impression. Men ask themselves who is the ablest and the honestest man who ever presided in the Court of Chancery, and the decisive answer to that question, if it does not silence malignity and political hostility, at least disarms them of the power to rob you of your hardly-earned and justly-acquired honours. Believe me,

"With sincere attachment and regard,

"Most faithfully yours,

"ROBERT PEEL."

Extracts of Letters from Lord Eldon to Lady F. J. Bankes.

"Monday (February 23rd, 1824).

"Sir Thomas Lawrence has had two hours of my company, and Mr. Peel and four lawyers two more; the former,

to make my face look as well on canvass as might be, the latter, to be enabled to make me *look as well* as might be in the debate on Chancery to-morrow night, which will be carried on with great acrimony on one side, and, I think, with much zeal on the other."

"Wednesday, (February 25th, 1824).

"Mr. Williams made his attack last night*, as savage as the Dey of Algiers, with whom we are gone to war. He told a great many * * * * which dissatisfied attorneys had thrown into his mouth, and a great many things which neither I, nor any person interested about me, ever heard of before, mentioning, however, some things which, in the lazy moments of twenty-two years, appeared like (and, perhaps, really constituted) negligence on my part, which, however, could not much affect or sully the tenour and character of a long industrious life. He then abused all the Masters of the Court, and, indeed, everybody belonging to the Court; and then moved for a Committee to inquire into the misdeeds and misdoings of all of us.

"In June last, I had communicated to the House of Lords my purpose of having — not a Committee of Inquiry and Vengeance, but — a Commission to inquire whether any and what improvements could be made for the future in the practice of the Court of Chancery, or any part of it, and whether the Chancellor could be relieved of any part of his business, by sending such parts to other Courts. At my instance, therefore, Mr. Peel, in a most admirable speech, moved for such a Commission, as a great merit on my part in aiming at improvement, instead of this Committee of Vengeance; and this threw Mr. Williams, &c. upon their backs, and they did not venture to divide. So for the present *this* storm is over, and matters will be tolerable till the next begins to rage."

(February 26th, 1824.)

"Thursday, from the Bench.

"I have reason to think that the debate in the Commons has done me much good. Peel's speech was, I understand,

* See the observations on Lord Eldon's judicial character, in Vol. III. of this Biography.

most eloquent, and towards me expressive of regard amounting to affection: — Lord Stowell came out of the House of Commons in tears, he was so affected by it. The speech did much good, — by informing the House that the Chancellor's income was hardly more than a third of what nine-tenths of the members thought it was — by informing them how much I had paid out of my own pocket to save the public. The newspapers too had charged me with hearing Lunatic and Bankrupt Petitions rather than other matters, in order to get money. He let the House of Commons know, that I had, for twenty-two years, administered all matters in lunacy without receiving *one farthing;* and as to Petitions in Bankruptcy, 12*s.* 6*d.* * was all that was paid for a petition, which sometimes occupied four, five, six, seven, eight, or even ten days. In short, he set me up, in the public opinion, against what I hold in utter detestation, being influenced by sordid motives and feelings; and so do I detest such meanness, that being set right in this view of my character, will render me happier than I have been, as long as I live."

"Saturday, (February 28th, 1824.)

"Peel tells me, that the people he lives with most are quite astonished to find the Chancellor's income so very far short of what they had always believed it to be; and he will have it that the late House of Commons business has been a most fortunate thing for *your* father. How that may be I cannot be sure; but I am sure that he could not have taken more pains about it if I had been *his* father. I still regret, however, that there was no division, notwithstanding that before they could have got to a division there must have been an immense quantity of foul abuse. There are thoughts of publishing, in a small pamphlet, contradictions to Williams's and Abercromby's misrepresentations. I was surprised at the language of the latter. Upon his father's fall in Egypt, I sent him a Commissionership of Bankrupts, which he keeps to this hour. He might, therefore, have been commonly civil, if not just."

* See motion of Mr. D. W. Harvey, 13th March 1827: Chap. XLIX.

These frequent attacks on him were now defeating their own main object, by rousing in him a spirit of resistance, which counteracted his inclination to resign.

Lord Eldon to the Rev. Matthew Surtees. — (Extract.)

"You will see that I have been lately the object of much persecution. But, *impavidum ferient.* In a life such as mine has been, that there should have been some things neglected,—that there *have* been,—is too true. But take the whole together, I have done more business in the execution of my public duty than any Chancellor ever did; yea, three times as much as any Chancellor ever did.

"The fact is, from year to year, party is attempting to drive me out of the Chancellorship. God knows I should be very happy if I had nothing to do with it. If these malignant attacks had not been made against me, year after year, I should have been in retirement; but to hatred, malice, and uncharitableness, I will not give way. I will not gratify those who revile me. My rule through life has been to do what I think right, and to leave the consequences to God.

"I should not have troubled you so much about myself when I am inquiring about you. But feeling injury, I fear I could not help it."

"February 28th, 1824."

A passage in Mr. Abercromby's speech, of Tuesday 24th February, on Mr. Williams's motion, had been misreported in a newspaper, which the Chancellor did not happen to read till the Saturday, just as he was going into Court. Much irritated at an imputation upon him, which this erroneous report conveyed, of hearing cases by way of appeal from Sir John Leach under circumstances unfair to the reputation of that Judge, Lord Eldon on the moment expressed himself from the Bench of the Court of Chancery in these unguarded terms: —

With respect to appeals and re-hearings, it is supposed that I have heard them on new evidence, and thereby brought discredit on some part of the Court. It is an utter falsehood! On re-hearings, it is always competent to read the evidence *given in the cause*, though it was not read in the Court below, either by the counsel or the judge. Further than *that*, the Court does not go. On appeals, it only reads what has been *read in the Court below*, and that practice I have never departed from in any one instance. Therefore, really, before things are so represented, particularly by gentlemen with the gowns on their backs, they should at least take care to be accurate, for it is their business to be so.

Of these expressions, taken down by Mr. Farquharson, an eminent short-hand writer, Mr. Abercromby complained to the House of Commons as a breach of privilege:—

Lord Eldon says, that with respect to appeals and re-hearings he does not hear them on new evidence. Not appeals from decrees, and further directions, certainly. I never said that he did. Quite the contrary. I put them in distinct contrast to motions, which I again declare the Lord Chancellor frequently hears on fresh evidence. I think, therefore, Sir, that the House will agree with me, that Lord Eldon, at the very moment when he says, I have been guilty of "an utter falsehood," puts into my mouth not only what I did not say, but the very reverse of what I did say. [*Hear, hear!*] The Noble and Learned Lord altogether abstains from noticing my distinctions, and confounds that which I stated on the subject of motions with that which I stated on the subject of decrees. Lord Eldon has, therefore, falsely put into my mouth what I did not utter; and has declared, that in what I felt it to be my duty to state in my place in Parliament, I imposed on the public. These, Sir, are the facts. But are there no aggravations of them? I ask when it was, and where it was, that Lord Eldon uttered this foul calumny against me? Was I present? Had I any notice of the Noble and Learned Lord's intention? Before whom did he utter the calumny? Before persons whose unfavourable

opinion, if I had no means but what I derive from my profession, must effect my entire ruin. [*Hear, hear!*] In what form did this calumny go forth to the people of England? In that of a report made by a reporter in a court of justice, attending on behalf of the public, who took down the words as soon as they were uttered and sent them to an office where they were printed before the ink with which they were written was dry. Such was the place, such was the occasion, such were the means, by which the Lord High Chancellor of England sought to vilify an individual, one of the humblest members of his own Court. If, Sir, I had chanced to be in the court at the time, what might have happened? I hope, and I believe, I should have been able to control my feelings. If, however, I had not done so, it would have been in the power of the Noble and Learned Lord to silence me. If I had persisted in addressing him, he might have committed me to the Fleet. If the Noble and Learned Lord had stopped me, would it not have been an act of the grossest injustice and indecency, after having calumniated a member of his own profession and of his own Court, by doing what he could to induce the public to believe that that individual had been guilty of "an utter falsehood," to prevent him from replying to so monstrous and injurious an accusation? But if Lord Eldon had thought fit — as he could not have abstained from doing without the grossest injustice — to have allowed me to have replied upon him, what a spectacle it would have been to have seen the Lord Chancellor of England engaged in a controversy with one of the humblest practitioners in his own Court, respecting words used in the House of Commons. Lord Eldon thought fit to impute to me, that I did not use due caution before I made those statements which he attributed to me. In which case was the defect of caution most signal? In the case of myself, Sir, who was speaking in the presence of Hon. and Learned Gentlemen, every way my superiors, especially in the knowledge of the practice of the Court of Chancery, who, if I had been guilty of any misrepresentation, would have instantly detected and refuted it, to my utter confusion and shame? or in the case of Lord Eldon, who, invested with all the power, and patron-

age, and authority of the office of Lord Chancellor, presumed, on the seat of justice, to take advantage of a false representation of the words of an humble individual, to pronounce upon him, without inquiry, the sort of censure best calculated to destroy his fame, and at a time when no one had the means of interfering to avert the effect of that most unjust censure? [*Hear, hear!*] We have heard a great deal, Sir, of the delicacy of Lord Eldon, of his anxious desire of justice, of that amiable weakness of mind, too sensitive to the fear of possible wrong to others, and too cautious to decide lest he should decide erroneously. If this had been a case in which the right of private parties had been concerned, there would have been, no doubt, argument after argument, affidavit and supplemental affidavit, months and years would have passed, and the "too sensitive" mind of Lord Eldon would have abstained from settling those claims which it is his duty to decide on. But what, Sir, was his mode of proceeding, when there was an occasion to pronounce from the seat of justice an anathema founded on a false statement of facts, to destroy the character of an individual whom he supposed to have censured himself? Then, indeed, to the just mind of the just Lord Eldon, there seemed no room for caution — no time for inquiry [*hear, hear!*]. He at once proceeded to decide, to pronounce, and to execute his sentence. From whom, I should be glad to know, did Lord Eldon receive his information? From what legitimate source did he derive it? The Attorney and Solicitor-General were present in the House; neither of them could have given the Learned Lord the statement which he dared to attribute to me. My Hon. and Learned Friend the member for Exeter (Mr. Courtenay), and my Hon. and Learned Friend whom I saw just now in the House, the member for Tewkesbury (Mr. Dowdeswell), were also present during my speech; and if the Lord Chancellor had chosen to resort to them for information as to what had passed in these walls, he would have learned how unlike what I uttered was that which he attributed to me [*hear, hear!*].

But now, Sir, let me ask what authority, what right, has the Lord Chancellor of England, or any other Judge, to undertake to comment, on the judgment-seat, on the debates of

this House? Where does Lord Eldon, who is so cautious, find a precedent for this? How can he say he is not guilty of a gross breach of the privileges of this House? It is not a formal but a substantial breach of privilege, a direct attack on the security and freedom of debate, which is the only legitimate object of privilege. What is the situation of any member of this House, if the Lord Chancellor, or Lord Chief Justice of the King's Bench, may presume to put false statements into his mouth and send him forth a disgraced, and as far as the authority of the judgment-seat can go, a ruined individual? By what tenure shall we then hold the freedom of debate, but at the will and caprice of any Lord Chancellor, and any Chief Justice? If this condition be intolerable to all the members of the House, how much more fatal must it be to those members who also belong to the profession of the Law, if they are subject for what they say in this House to be denounced by the Lord Chancellor from the Bench — if any of the Judges, when any thing is uttered in the House which touches their feelings, are to denounce in the Court where he practises a man who exists only by his honest exertions in his profession, and to destroy in a moment, by a false statement, his character, not only as a professional man, but as a gentleman and a man of honour [*hear, hear!*]? If the House do not protect its members from this tyranny and despotism (for what can be greater tyranny and despotism I cannot conceive); nay, if it do not secure itself against all control of this kind, — if Lord Eldon be allowed to extinguish any member of this House, by uttering these things of him from the judgment-seat, — of what avail is the freedom of debate — particularly to any man who shall at once be a member of the House and of the profession of the Law? If the House shall think the facts which I have stated to be clearly proved (and I will adduce evidence to put them out of doubt), it must be incumbent on it to take decided and vigorous steps to secure its own privileges, to vindicate the freedom of debate, and to put on a secure footing the independence, the spirit, and the usefulness of Parliament? If, on the other hand, the House pass by this gross violation of its privileges without interfering, how, I ask, can we expect that there shall remain any vestige

of independence, public spirit, or usefulness in this House? If my appeal be neglected, what wrong can be offered to a member of this House against which he can think there is any hope in calling on the House for protection? The result will be, to lay the Bar of England prostrate at the feet of Lord Eldon. The conduct of Lord Eldon, which I shall substantiate, is a gross attack on the freedom of debate; for if I had uttered a thousand falsehoods in this House the Lord Chancellor of England had no right to animadvert on them on the judgment-seat. It is on this ground that I offer the conduct of the Lord Chancellor to the notice of the House, and if the House be prepared to pass it by, let it say distinctly that there shall be no longer freedom of debate. The course I shall take is to move in the first place to call evidence to prove the expressions used by the Lord Chancellor. This being done, it will be for the House to determine what step it will next take. I move you, Sir, "That Mr. Farquharson do attend this House to-morrow."

Mr. Secretary Canning said, "Sir, there is no man who heard the Hon. and Learned Gentleman's speech — no member of the profession to which he belongs — no one of the friends by whom he is surrounded, who is ready to make more allowance than I am for the feelings which he has evinced, or to render a more sincere tribute of praise for the moderation and propriety with which he has expressed them. He has displayed an anxiety that is highly creditable to free himself from an imputation which, as far as my testimony goes, he is not subject to; for, without being enough of a professional man to be aware thoroughly of the importance of the distinction between what the Hon. and Learned Gentleman stated the other night, and what he elsewhere was understood to have stated, I can most unequivocally declare, that in his argument that night, the impression on my mind was, that he did not go out of his way for the purpose of throwing imputations on the Lord Chancellor, or of making what has happened in the Court of Chancery, matter of individual blame, — and not the result of a faulty system. Such, Sir, was the impression on my mind; and if my testimony had been required, I should have been as ready to state elsewhere

as I am to state here, that there was nothing uttered by the Hon. and Learned Member on that occasion, which went beyond the fair line of discussion, or which could justifiably furnish a ground of personal offence. Admitting this, Sir, I can feel also that the Hon. and Learned Gentleman, strong in the recollection of his purpose at the time, and of his mode of executing that purpose, could not have avoided feeling surprise and indignation at finding his speech stamped with terms of so gross a character as those which have been applied to it. But, Sir, in his statement to the House, the Hon. and Learned Gentleman has dropped one link of the transaction; he has dropped the consideration, whether what he said justifiably was reported correctly to the Lord Chancellor, as if there could be nothing, in the channel in which what was said here was conveyed to the Noble and Learned Lord, which might have perverted its meaning. Here, again, as an unlearned person, I must remark, that I am not capable of discriminating the difference between what has been reported and what the Hon. and Learned Gentleman actually said; but those on whose knowledge of the subject I fully rely, assure me, that while, in the speech actually made by the Hon. and Learned Gentleman, there was nothing of which the Lord Chancellor could justly complain, yet, in the report conveyed to the Noble Lord, there was that colour given to the Hon. and Learned Gentleman's observations, which, though not materially different to an unprofessional eye, was false and incorrect, and calculated to excite, in the breast of the Judge to whom they referred, the same feeling of indignation for which he had made a not less generous allowance when manifested by the Hon. and Learned Gentleman. What then, Sir, is the conclusion to which the Hon. and Learned Gentleman comes at last? That whatever is said here, and misrepresented elsewhere, affecting any person high or low, the person against whom it is directed must put up with it quietly and unresistingly? Sir, if there be any fault in what has happened, the fault is in our own practice, or rather in our own connivance; a fault which I do not indicate with any wish to see it corrected; a fault which has produced incalculable benefits to the country, but which, amidst all its

advantages, has this inconvenience — that when the characters of individuals are under discussion here, the smallest variation, the most unintentional misrepresentation, of what is here uttered, may harrow up the feelings of the most just and righteous man in the country, by the imputation of principles or practices which he abhors. The Hon. and Learned Gentleman has said that a Judge had no right to take cognizance of what is said of him here. What! is it of no consequence that in Courts in which a Judge administers justice he should be known to sit with clean hands? Is it unnatural that he should be anxious to refute, before those who are the best judges of their truth or falsehood, the imputations which he may suppose have been levelled at him? The Hon. and Learned Gentleman will acquit me of the charge of contending, that either on this or on any other occasion a Judge should discharge his duty to himself without reference to his duty towards others, or that he should make observations on statements of the authenticity of which he is not satisfied. As readily, I am sure, will he acquit me of the idea of sheltering myself under the technicality of denying that what was said by the Lord Chancellor had reference to what passed in this House. But it had not reference to it, I am sure, in the sense which the Hon. and Learned Gentleman has attributed to it — not in the sense of a great officer of the Crown attempting to intimidate a member of the House of Commons — but of an individual, feeling, perhaps too sensibly, for his character, after a public life of great and spotless and irreproachable merit, and of whom it might be said that he wore his heart upon his sleeve "for daws to peck at," and dreaded too much every trifling attack, as striking at the vitals of his reputation. It is a fault to be so sensitive — it is a fault in a public man — but it will be hard on public men that it should be so severely visited as the Hon. and Learned Gentleman proposes; for I am sure that the course he points out can lead us to little less than an accusation of the most serious kind. I certainly wish that a different course had been taken by the Noble and Learned Lord, and that in the time that elapsed between the debate in this House and the end of the week he had recurred to other testimony, which might have set him

right as to the words actually uttered by the Hon. and Learned Gentleman [*hear! hear!* from the Opposition]. That it is to be regretted that the Noble and Learned Lord neglected this precaution, I admit; but that he could treasure up the mis-statement to take an opportunity of wreaking his vengeance on an individual, is what no man would believe of another, and what any one who knows the character of the Noble and Learned Lord will not dream of attributing to him. [The Solicitor-General here whispered to Mr. Canning.] I have made this observation, supposing it to be true that the Lord Chancellor had seen the reported observations of the Hon. and Learned Gentleman soon after they were uttered; but my Hon. and Learned Friend, who is acquainted with the fact, tells me that the newspaper containing the expression attributed to the Hon. and Learned Gentleman was put into the hand of the Lord Chancellor only on Saturday morning, at the moment of his going into Court. Then, Sir, are the Hon. and Learned Gentleman and the Lord Chancellor so situated that the character of one or the other must suffer? There is, it appears to me, an intermediate path. What the Hon. and Learned Gentleman said could not justly have given offence: while, in that misrepresentation, not wilful and not inexcusable, of the Hon. and Learned Gentleman's observation, is to be found a justification of the warmth of the Noble and Learned Lord. The Hon. and Learned Gentleman has vindicated himself in the face of the House and of the country; and it would appear in him somewhat approaching to the temper which he has attributed to the Lord Chancellor, if he were to press his motion; and I see nothing which need preclude him from receiving the best and most substantial satisfaction, in the assurance, that what he really did say would not have excited the feelings, which the misrepresentation of what he did say has led to the expression of. Sir, with these feelings, and to prevent the commencement of a proceeding, the termination of which we cannot anticipate, and with the fullest admission that the Hon. and Learned Gentleman has set himself entirely right with the House and the country, I shall oppose his motion.

Mr. Tierney followed.

The defence set up, said he, is of a most extraordinary nature; but, first of all, I may be permitted to remark, that no Honourable Gentleman, or Right Honourable Gentleman, has said that he has authority from the Lord Chancellor to vary a syllable of what he is accused of having uttered. No man has come forward with any apology; and if the Lord Chancellor were disposed to humble himself before the House and to acknowledge his error, I should think the Right Hon. Secretary for Foreign Affairs would be the last mouth-piece he would select to express his humiliation. For after what has passed, it would indeed be curious to find that he has arrested that Right Hon. Gentleman from his foreign travels, in order to have the benefit of his defence at home. I cannot find that the Learned Gentlemen who have spoken on the other side have conferred any weighty obligation upon his Lordship. They say that the Lord Chancellor read a report in a newspaper, which was not founded in fact. This may be true; but it is somewhat extraordinary that this should be, perhaps, the only paper which the Lord Chancellor, since he has been on the Bench, did not take home to consider; that this should be the only case in which he has been able to come to an instant decision, and that the suddenness of his determination should be the only point relied upon for his defence. On one night I am called upon in mercy to recollect the past services of the Lord Chancellor, to make allowances for his amiable hesitating nature — and on another I am told that I must acquit him of a charge of this serious kind, not because he is a doubting man, but because he is a rash one. This sort of reasoning I cannot understand; but, on such reasoning, rests the only excuse that the Noble and Learned Lord's friends have been able to furnish. It seems too that the Lord Chancellor only saw the newspaper for the first time on the morning when he used this expression. It is quite clear that he does not incur the heavy expense of taking in a newspaper, or he could not have missed reading the speech of my Hon. and Learned Friend on Wednesday, Thursday, or Friday: for the debate on the Delays in Chancery took place on Tuesday, and the breach of privilege was not committed until the Saturday following. Without saying anything unkind or dis-

respectful of the newspaper in question, which generally, I believe, reports faithfully, it will be sufficient for my purpose to say, that the moment that the Lord Chancellor got hold of it he exclaimed, "This will do; I want no more; I will now "go down to my Court, and from the Bench I will make this "attack upon a member of the House of Commons."—"Oh," replies the Attorney-General, "his Lordship meant to attack "the newspaper, and not the barrister." — What! has a newspaper "a gown upon its back?" When it has, the answer may be a good one; but not till then. Some excuse must be made, or the House has no plea for not proceeding further. I am sure I mean to treat the Lord Chancellor with all possible respect; no man admires more than I do the profound research of his mind: I believe him to be a man of unimpeachable integrity; but I do not take him to be a Judge who has conferred such endless blessings upon the country, that the privileges of the House are to be thrust aside to make way for his escape. I am willing to pay my tribute to the Noble Lord's learning and character, but I will take leave to say that his jurisdiction has been so administered for two-and-twenty years, that, in common parlance, his Court has become a national grievance. I do not impute any bad motives to the Lord Chancellor, but I state the effect practically: he is now indeed near the end of his career — I mean merely from his advanced age — for otherwise it is impossible to say when his career might end.

Mr. Secretary Peel answered this speech.

There were here he said, two questions that seemed to have been confounded; first, had there been any breach of the privileges of the House, or such a breach as it was expedient to notice? Secondly, had there been any attempt to threaten any member of the learned profession, in order to deter him from the discharge of his parliamentary duty? The latter appeared to him infinitely the more important; for a breach of privilege was of far less consequence than it would be to consider whether there had been an attack upon the in d pendence of a member of Parliament. As to the first question, it was certainly very difficult for any individual to say

in how many instances in the day the privileges of the House were infringed. Members themselves were guilty of constant breaches; and within the last two years constant and irregular references had been made to the proceedings in the House of Lords. The grosser offence was avoided by talking of "another place," and of speeches delivered there; but this was a mere evasion; and perhaps it would be much better to make direct allusions, and at once to answer remarks made by the peers, than to resort to this apparently unworthy expedient. It was most material to this discussion, to remember that the origin of it was a direct breach of privilege, at which the House connived — namely, the publication of its proceedings. It had the power to enforce its orders; but he admitted that it was much wiser to continue the permission than to put a stop to the practice. There was a balance of evils; but the advantage predominated in favour of the publication of debates. Yet great inconveniences sometimes arose, and the present was a striking and pregnant proof of the mischief. The Hon. and Learned Member had made a speech reflecting on an individual: it was printed next morning, and it was wafted, not only to every district of this kingdom, but to all parts of the world where the English language was understood. The speech contained a charge against the first Judge of the land, that he had evaded an Act of Parliament, in order to disparage another Judge, his coadjutor; and a regard to common justice, independent of feelings of wounded honour, induced the Lord Chancellor to come forward and deny the accusation. If, with the warm feelings of an Englishman, the party had made use of intemperate language, he (Mr. Peel) maintained the distinction to be a just one, that the Lord Chancellor had not been guilty of the first attack. Being himself accused, he claimed the ordinary right of being heard in his own defence, and he had declared, "I am not guilty," or, in other words, "It is an utter falsehood."

After several other speeches, the House divided, ayes 102, noes 151; majority against Mr. Abercromby's motion, 49. The Chancellor is said* to have

* Law Mag. No. XLII.

remained during the debate in the immediate neighbourhood of the House, anxious and agitated; but his serenity returned as soon as the charge against him had been disposed of, and he shortly afterwards assured Mr. Abercromby, through a gentleman of their common acquaintance, that he retained no resentment of what had passed.*

The Mastership in Chancery, which had become vacant by the death of Sir John Simeon, was now conferred by Lord Eldon upon Mr. Farrer, whom he addressed, on this occasion, in the following letter.

Lord Eldon to J. W. Farrer, Esq.

"Dear Sir,

"In communicating to you my offer of the vacant Mastership, I act under the influence of a recollection of what passed, during a very interesting part of my life, of kindness towards me on the part of your father and uncle; of a conviction also of the respect I owe to Mrs. Farrer; of the assurances which I have received of your qualifications for this office, important as I know it to be, assurances confirmed by my own observation; and of a recollection of the grounds upon which your letter, received some time ago, stated your wish to be placed in it.

"These considerations have, at length, enabled me to put an end to a delay, which the extreme pain which I cannot but feel, and have strongly felt, in disappointing the views and wishes of many respectable gentlemen at the Bar, has occasioned. I am, dear Sir, yours truly,

"Monday morning" "ELDON."
(March 8th, 1824).

Here are excellent reasons for an excellent appointment; but the apology for the delay is a plainly insufficient one. The more numerous the candidates, and the longer their suspense, the greater the aggre-

* Law Mag. No. XLIV.

gate of the pain occasioned by the patron's hesitation, —a pain which, though he protracts it to all, he can at last compensate to only one.

Mr. Farrer returned a suitable answer, of which an extract is subjoined: —

"March 9th, 1824.

"I owe the happiness conferred upon me to-day to your Lordship, in more senses than one: for I cannot refrain from stating to your Lordship that my professional education was conducted upon a plan sketched by your Lordship in a letter kindly written to me from Encombe.* Allow me too to notice, in terms of the most heartfelt gratitude, that kindness and condescension of manner to the young men of your Lordship's Bar, which characterises your Lordship, without which many men who ultimately succeed in their profession would sink under its first trials. I have felt this so strongly, and have so often discoursed of it with my fellow-labourers, that I could not pass it over without grateful acknowledgment."

Sir Matthew White Ridley, who, as the brother of Mr. Farrer's Lady, took a great interest in this promotion, conveyed the thanks of the Ridley family to the Chancellor, in a letter dated 11th March 1824. The Chancellor's answer, which follows, has no date:

"Dear Sir Matthew, (About March 11th, 1824.)

"If any act of mine is gratifying to you or your brothers, it will be a source of much gratification to me that I have done that act. That, to which I am referred by your letter, I have the consolation also to think was an act of public duty, and I have a sincere comfort in the determination upon which I have acted, to do what I think I ought to have done, in despite of great interests called into action, to attempt, for the benefit of other barristers, to induce me to act otherwise. My occupations have obliged me to abstract myself almost from all society, and even from the common intercourse in which mere civility engages almost every other

* See Letter of 14th Oct. 1807; Chap. XXV.

person. To this you must attribute the apparent inattention of not having returned your calls. I have blamed myself for it more than you can have blamed me. The truth is, that my heart will not allow me to remain unaffected by what memory often recalls to my thoughts. Sixty years will have passed when 1826 comes, since I left Newcastle school, and yet I think I see, almost once every day, in remembrance of days of yore, your revered father, my dear friend your uncle Nicholas, my intimate acquaintance your uncle John, your yet existing uncle Dr. Ridley, and I think another brother of theirs, before they flitted to Westminster School, riding upon their galloways from Heaton, past the end of Love Lane, in their way to the Head School. These are pleasant reminiscences, though they are accompanied by what belongs to the reflection, that so many of those to whom one was attached are no more. I have not lost, in the course and the changes and chances of a long life, (whatever differences of opinion there may have been among us in political matters,) my regard and respect for the name and house of Ridley.

"I thank you and Mr. Ridley Colborne for your support of me on a late occasion. Mr. Martin brings in a bill to prevent bull-baiting: the Bishop of London presents a petition to prevent bear-baiting. Will no kind man introduce a measure to prevent Chancellor-baiting?

"Yours, dear Sir Matthew, sincerely,

"ELDON."

Extracts of Letters from Lord Eldon to Lady F. J. Bankes.

"Carlton House, (March 19th, 1824); Friday, 12 o'clock.

"Here are John and I, waiting to do our King the honour of shaking hands with him, when he may be graciously pleased to make his appearance. He fixed his Recorder's report at twelve o'clock, but is not yet arrived from Windsor. John is in a sort of tremulous state, not being conversant how so young a subject is to conduct himself; and I, though a very old one, am quite unable to give him any useful information, as I never saw a congress of a king and a boy of eighteen before. This interview is what interests Mamma

extremely, and has withdrawn her from herself comfortably for a few hours.

"Friday, 1 o'clock.

"Our Sovereign Lord arrived, and soon after sent for his loyal subjects, Lords E. and E. The latter in a great fidge; but, being introduced, and Mamma having made him very smart, and the King receiving him most kindly, he looked well, and performed well. The King was excessively kind, and, I suppose, thinking he should make John some present, he hit off what appeared to me to be very proper — nothing magnificent, but he gave him a handsome edition of all the Latin classics, desiring him to make them useful to him by a diligent application to them and their contents. In short, all went off vastly well, and John most highly delighted."*

"March 22d, 1824, (Monday).

"I was so profane, once more, as to sit to Sir Thomas yesterday for my picture, which promises to be a capital painting, and a very strong likeness. To-day, unfortunately,

* NOTE BY THE PRESENT EARL. —The easy yet dignified bearing of the King speedily dispersed any nervousness I might have felt before his arrival. After receiving us, and addressing his conversation principally to my grandfather, he asked me how I liked the appointment of the new Master in Chancery, and hoped I approved of it. When he had stood talking to us for a few minutes, Sir William Knighton entered the room carrying a mahogany box, which he placed on the table, saying, "This is what your Majesty ordered to be brought when Lord Encombe came." The King then opened the box, which was lined with dark-blue velvet, and contained forty-one volumes of the Regent's Edition of Latin Classics, handsomely bound: he read a few of the names, Cicero, Livy, Tacitus, Juvenal; and, on coming to Justin and some other, observed that these were perhaps below my reading. I expressed myself, however, as not looking down upon any of the classic writers. The King then said, that the case which contained them had been made without pretension to ornament, but that I might like to put it at the bottom of my travelling carriage; adding, that the box should be sent home to me, which was done accordingly. Afterwards I had a table made, to receive the King's present, engraved with a suitable statement of the circumstance, as the books contained no inscription to record his Majesty's gift.

I am chained to the Woolsack, hearing appeals. The great Lord Hardwicke, as he is justly called, decided (though his diligence is so much extolled, and mine so little thought of,) fewer appeals in this House, by three hundred, than I have decided in the same period of nineteen years and ten months, during which he was Chancellor. I don't reckon mine, decided in a period of my Chancellorship *subsequent* to the first nineteen years and ten months."

In looking round, at the close of the preceding year, for assistance in the judicial business of the House of Lords, the Government had turned its attention to the qualifications of the Attorney-General, Sir Robert Gifford. He was a lawyer of good abilities, and of still better fortune. He had early distinguished himself in the Court of King's Bench, by a terse way of putting his points: and had become a favourite with the Judges, if not by any great grasp of mind or depth of knowledge, yet by the succinctness of his arguments, the readiness of his apprehension, and the respectfulness of his demeanour. For the technical part of his profession, his neat mind was remarkably well qualified; and having succeeded in little things, he was thought likely to suffice for greater. He was, therefore, at the early age of about forty, very strongly recommended by several of the Common Law Judges for the office of Solicitor-General, and obtained it accordingly. In the House of Commons, as he attempted nothing, he can hardly be said to have failed. Quitting the Courts of Common Law, to which he had been bred, he started as a leader in the Court of Chancery, in the business whereof it was apprehended that his acquaintance with the law of *real*, that is landed, property, would give him some advantage. He, however, had but

little to do there, and gained no accession of fame from his manner of doing it. Succeeding to the office of Attorney-General, he was, of course, entrusted with the conduct of the Queen's trial; and he discharged the important duty of opening that great issue, just as might have been expected from a lawyer who was in no wise a man of the world, and who knew little, if anything, of the class of judges he was there addressing, or of the popular influences then beginning to work on the humours and the fears of the Legislature. He, however, acquired some insight into these matters in the course of the trial, and acquitted himself with ability in his reply. At the close of 1823, the resignation of Sir Robert Dallas having made a vacancy in the Chief Justiceship of the Common Pleas, Sir Robert Gifford was promoted to that office with a Peerage; and in the spring of 1824, he was transferred from the Common Pleas to the Rolls, as the successor of Sir Thomas Plumer. The appointment was not satisfactory to the Chancery Bar; and their disfavour, joined to his own want of early experience in Equity practice, made the Rolls Court somewhat difficult and uncomfortable to him. He took great pains, however, and being naturally quick to learn, he would, probably, had he lived for a few years, have surmounted many of his disadvantages; although in almost everything he did, there was visible a constraint, which seemed to result from fear of getting beyond his depth and unwillingness that this depth should be too accurately sounded. It was in the judicial business of the House of Lords, where the jurisdiction is merely appellate, and where points,

therefore, can seldom arise on the sudden, that he was seen to the greatest advantage. In the disposal of the Scotch appeals, more especially, he gave much satisfaction, and was of material use in enabling Lord Eldon to devote a greater portion of his time to the duties of the Court of Chancery.

On Lord Gifford's selection of his own name for his title of Peerage, Lord Eldon's Anecdote Book speaks thus: —

"Mr. Clerk, when made a judge of the Court of Session in Scotland, took the name of Lord Eldin; for they are accustomed to take, as Lords of Session, the names of their estates. Lord Gifford stated to me, that he thought it a very improper thing that Clerk should have taken a title so much the same as mine. I observed to him, that I thought *he* should not blame Clerk, who had done the same thing himself. He seemed astonished. I told him the Earl of Gifford was the son of the Marquis of Tweeddale."

Lord Eldon has been much censured for the promotion heaped upon Sir R. Gifford; whose elevation to the Peerage, in particular, has been ascribed to the Chancellor's jealous apprehension of other talents more likely to bear a comparison with his own. But Lord Eldon stands quite clear of any such blame in the matter; the promotion of Lord Gifford having, in fact, been a measure wholly of Lord Liverpool's. On the 11th of November 1823, Lord Liverpool writes a letter to Lord Eldon, which he finishes, after various references to other possible arrangements, by this suggestion: —

"Would the Attorney-General take the Common Pleas

" with a Peerage, and undertake part of the judicial business " in the House of Lords?"

Next day Lord Liverpool writes to Lord Eldon again: —

" The more I reflect upon what I wrote to you yesterday, " the more I incline to the opinion, that (assuming Plumer " immovable) the best arrangement will be to make At- " torney, Chief Justice of the Common Pleas and Deputy " Speaker of House of Lords. I shall say nothing of it to " any one till I have seen you."

The Chancellor, therefore, can at most have had no further concern with this promotion than in not resisting it. To resist it, indeed, would not have been very feasible; for the state of the Bench and of the Bar afforded just then but little choice. The mistake had been the original selection of Mr. Gifford as Solicitor-General in priority to Mr. Serjeant Copley, a mistake attributable rather to the Common Law Judges than to the Chancellor, who had no personal experience of their respective qualifications. Had that selection been reversed, Mr. Serjeant Copley would have been before Mr. Gifford in position, as he was beyond all comparison before every body at the Bar in talents: but, as matters stood at the end of 1823, it would have been difficult to lift the Solicitor-General Copley over the head of the Attorney-General Gifford.

In the general matter of judicial promotion, however, Lord Eldon was not quite disposed to allow to the Law Officers of the day the sort of absolute right which they have sometimes claimed. The following extract is from a memorandum kept by Lord Eldon, of what he appears to have said on this subject in a conversation with some of his colleagues, or, perhaps,

with the King. That conversation would seem from the conclusion of the memorandum, to have taken place during the Attorney-Generalship of Sir R. Gifford; but upon what particular claim it arose is not distinctly apparent.

Extract from Memorandum in Lord Eldon's hand-writing.

"Friday — stated in conversation.

"Pretensions, and claims as rights, are very different things. The former, entitled to great weight, must nevertheless give way, if the judgment of those who are entrusted with *all* the interests of government, fairly exercised, determines that pretensions *should* give way. This is what I understand is the full extent of what can be stated, or ever could be fairly stated, as to pretensions of the Law Officers. What Lord Liverpool, in his letter, calls 'reserve,' amounts, as it seems to me, to no more than explanation which may be thought necessary on account of existing, or supposed existing, misunderstandings upon this point.

"Let us look at facts. Mr. J. Bathurst, afterwards Lord Apsley, was made Chancellor, De Grey having been very nearly actually appointed. The Chancellorship, however, may be considered as a specialty.

"See what has passed as to the office of Chief Justice of the King's Bench. Kenyon was appointed Master of the Rolls. He was then out of the field as a Law Officer; Arden, Attorney-General, stood first in pretension as to future vacancies of judicial offices, Macdonald next. The Chief Justiceship of King's Bench became vacant: Kenyon succeeded to it, against the pretensions of both the Law Officers.

"The Rolls then becoming vacant, Thurlow claimed the right of recommending to it. He thought the pretensions of the Law Officers not strong enough to counteract his judgment that the public interest required another individual than a puisne Judge to be sent there. In the result the Minister in effect appointed, the judicial situation being compatible with a seat in the House of Commons. He procured the appointment of Arden, not because, or not merely because, he was Attorney-General, to be promoted to a judicial

situation, but because he was also continuing his services in Parliament. And it is important to observe, that Ministers and Law Officers may be, and often are, placed with respect to public measures in such relative circumstances, that the Law Officer ought neither to be removed, nor to wish to be removed.

"The same view of public interest promoted Eyre to be the Chief Justice of the Common Pleas: Macdonald then became Chief Baron.

"It is not merely the interest of the public in the article of the *promotion* that is to be attended to: the solid interests of the public may frequently imperiously require the Law Officer to be continued in his situation, as well as the promotion of another individual to some vacant office.

"Eyre died: then Scott pressed for the Chief Justiceship of Common Pleas. Mr. Pitt would not listen to this for a long time. He told the Attorney-General that he deemed his services in Parliament necessary. His health, however, required much relaxation. The matter was compromised, by his becoming Chief Justice, at the expense of being a very poor peer; but whatever was incurred by that, was a condition annexed to giving way to the pretension. Gibbs was made Chief Baron, afterwards Chief Justice of Common Pleas; and Thompson, Chief Baron,—against the pretensions of the Law Officers of the time, by no means overlooked or not considered.

"Sir James Mansfield's case is an instance, if not against the Attorney-General waiving the office, against the next heir, the Solicitor-General.

"Many persons have thought, and not without reason, at least seeming reason, that the decision in favour of the pretensions of an Attorney-General to the office of Vice-Chancellor was a decision against the public interest; but it should be recollected that the case was a very peculiar one,—as far as intellect went, more fit for other judicial situations,—bodily complaint made it impossible for him to accept any other,—and feeling had therefore much to do in the appointment. The three last chiefs in Westminster Hall co-existing together, Abbot, Dallas, and Richards, never had been At-

torney-General. The present Vice-Chancellor* never was Attorney-General or Solicitor-General. Every instance in which the pretension has been made to give way to the judgment of what was for the public interest is the stronger, because in every instance it is not the case of one Law Officer, but of two. The Attorney-General's own personal consequence in his office may make it a duty on his part to remain: so the individual may be affected. The great general mischiefs arising from very frequent changes of Law Officers is one, among many, most weighty considerations to be attended to, when a promotion of a Law Officer is proposed. There never should be wanting, in one at least of the Law Officers, considerably long official experience. Attending to all this, is Lord L. expressing the reserve (for, in whatever terms it was expressed, this explanation I take to have been meant) at all inconsistent with the real nature of the pretensions, or is what is so stated *pro majori cautela* a new term proposed, or otherwise than in conformity with things as they were, and always have been, and ought to be?—giving great weight to the pretensions of the Law Officers, but a just, and if just, a preponderating weight to the public interests.

"Since Scott was Attorney-General there have been all these:—1. Mitford. 2. Grant.† 3. Perceval. 4. Shepherd. 5. Plumer. 6. Gibbs. 7. Garrow. 8. Gifford. 9. Law.‡ Solicitors-General also as constantly changing—about eighteen Law Officers in twenty years."

Lord Lansdowne, on the 2nd of April, moved the second reading of a bill for enabling Unitarians to marry in their own chapels. The principle of the bill was supported by the Archbishop of Canterbury.

The Lord Chancellor, notwithstanding his sincere respect for the Most Reverend Prelate, could not concur with him on

* Sir J. Leach.

† Sir W. Grant was only Solicitor, never Attorney, General. See 1 East's Reports, 350.

‡ According to order of time, the name of Law should stand between those of Grant and Perceval.

this important subject. The Unitarians denied the doctrine of the Trinity: and as there was reason to believe that under the constitution of the then existing law such a denial was penal, the first question he should have to ask would be, whether this measure ought not to be preceded by some declaration removing all doubts upon that head. The repeal of the 9th and 10th of William 3. had in that respect been much misunderstood. It was supposed that *their* repeal made it legal to deny the doctrine of the Trinity. He was not of that opinion; he did not consider that the repeal of those acts, though an extremely proper measure in itself, had any operation at all upon the common law. The great objection which he had to the bill was, that it proposed, in a marriage between a member of the Church of England and an Unitarian, to consult the conscience of the latter in preference to that of the former. It was evidently impossible to reconcile the religious opinions of the two parties. They were as different as light from darkness. Now, as to the existing legislative provisions with respect to Jews and Quakers, it must be recollected, that, in the cases for which those provisions were enacted, both parties must be Jews or Quakers. If, however, the present principle, of granting this relief where only one of the parties dissented from the Church, was to be allowed, where would it stop? If it were granted to the Unitarians, could it be denied to the Roman Catholics? Why should such a privilege be granted exclusively to the Unitarians, who, of all classes of Dissenters, dissented the most widely from the doctrines of the Church of England? Nor had he less objection to allow the marriages made under such circumstances to be registered by Ministers of the Church of England. It was to make the Church of England the servant and handmaid of those who denied her first doctrines.

The bill was read a second time; but, on the 4th of May, when the motion was made for its commitment,

The Lord Chancellor again opposed it. It contained principles, he said, which were not consistent with the protection of the Established Church. If that Church were lost to the people, they would lose the best security for toleration, which

could never be enjoyed liberally and extensively unless the Church established was of liberal and enlarged principles: and such, in his opinion, was the character of the Church of England. On account of the Dissenters themselves, therefore, he should feel it necessary to protest against everything which should degrade the Established Church. If this bill were passed for the Unitarians, a like bill could not be refused to any other class of Dissenters.

It was said, that the persons calling themselves Unitarians had real scruples of conscience on the doctrine of the Trinity. So had deists, atheists, and others. If he understood the doctrines of the Church of England at all, it was impossible that there could be a greater repugnance between any doctrines than there was between the doctrine of the Church of England and that of the Unitarians. The Unitarians must think the Church of England idolatry. What, therefore, would be the sort of comprehension that it would effect? Their Lordships might pass the bill, but he had discharged his duty in giving his opinion on it; and he thought a worse bill had never been submitted to Parliament.

This opposition was successful, and the bill was rejected, on a division, by 105 against 66.

In April 1824, the Chancellor, accompanied by Lady Eldon, took Lord Encombe to Oxford, and entered him of New College. The following affectionate admonitions were soon afterwards addressed to the young under-graduate by his grandfather: —

Lord Eldon to Lord Encombe. — (Extract.)

"My very dear John, (Received May 11th, 1824.)

"I hope that this will find you quite well, and settled in comfort in academical life, and that you find your rooms and accommodations satisfactory.

"You are now, my dearest John, in perhaps the most critical period of your life. To me it is a most precious consolation, that you go forth to the University, with a disposition, principles, and judgment, so formed and regulated by the care

antecedently thrown around you in the course of your education, that, with the blessing of God, those who dearly love you may confidently hope, that, whilst you remain there, you will never lose sight of this incontestable truth, that if your time is not *well* spent there, it cannot but be *ill* employed. The management of time in the University cannot be attended with *indifferent* consequences: it must produce either great, important, lasting benefits, or create evils which will be severely felt in all that is to come of after-life.

"The society in the University always consists of great numbers; and it can never be too strongly stated to you, that much, very much, depends upon a judicious selection of your associates, and more especially of those who are to enjoy your confidence and intimacy. Providence has been pleased to call you to a station in life which is too likely to bring around you, for their own ends and purposes, and not for your good, many whom you cannot too resolutely keep at a distance from you.

"The proper companions at Oxford are your books, and such students as love books, having, also, their minds stored with sound moral and religious principles.

"Of the books I need say nothing. I have seen enough to know that you agree with him who has told us, *Delectant domi, non impediunt foris.* The quantity of attention to books must indeed be so regulated as to admit of a due attention to health—of the devotion of a just and reasonable portion of time to that bodily exercise which is as necessary to mental as to bodily health. Addison, I think, somewhere observes, very justly, that the morning and evening walk of a person whose mind is well stored with great truths may, in the eye of Heaven, have all the qualities of a morning and evening sacrifice.

"As to students, observe closely, and for some time, before you establish *intimacies,* how they employ their time, and whether their language and conduct demonstrate that their principles are those of industrious, well-disposed, honourable, moral, and religious young men. Be civil to all—be intimate only with such.

"In the opportunities which you will have of attending a

chapel, in which the service of our Established Church is constantly and beautifully performed, you will be furnished with constant reminiscences of the great duties of religion. In mentioning, as often as I have mentioned, religion, don't suppose that I recommend or approve that morose, canting, fanatical temper, which is formed by principles which lead men to forget, that the great and merciful Being, who is the object of our adoration, has so formed us as to make it incumbent upon us to remember that we have great duties to execute here among our fellow-men. We can never be justified in supposing that we are doing our duty to God, whilst we are neglecting, or incapacitating ourselves for, the discharge of our duties to our neighbours in this life. A truly religious temper is a cheerful temper. Of true religion it is most true, that 'her ways are ways of pleasantness.'

"Excuse me, my ever dear John, for the communication of this advice. I have, I thank God, reason to believe, that all I can suggest to you you will probably have suggested to yourself. The intenseness, however, of my affection for you, and my anxiety about you, is such, that I could not restrain myself from thus addressing you, under the conviction certainly that the next three years, well spent, will secure to you, in future, happiness, credit, and honour; ill spent, would render you miserable in yourself and honoured by none. You may depend upon my affection and sense of duty, for the most kind and liberal treatment throughout this important period, in which and after which I convince myself that you will richly deserve that treatment."

Talking one day with his grandson, while the latter was an under-graduate, Lord Eldon proposed a new translation for the phrase, "Bene discessit," which occurs in the certificate given to a student when he leaves one of the Universities to be entered of the other. The propriety of the expression had been questioned by certain scrupulous people, with reference to the sort of circumstances under which these migrations not unfrequently took place. Lord Eldon,

for the relief of their consciences, suggested that the true translation of the words might be, "*It's well he's gone.*"

In the debate, of the 11th of May, respecting the Alien Act Continuation Bill, 5 Geo. 4. c. 37.,

The Lord Chancellor, who supported the measure, desired to re-assert what he had often before affirmed, that the right of sending aliens out of the country was a part of the Royal prerogative; but that, as the practical exercise of that prerogative was attended with difficulties which could not be effectually obviated without some legislative interposition, the aid of Parliament was required in furtherance of the constitutional powers of the Crown. If such a prerogative ought not to reside in the Crown, let it be abrogated; but as long as it should continue to exist, Parliament was bound to provide for making the exercise of it effectual.

The Lord Chancellor took the occasion of a motion for the second reading of the Gas Company's Bill, to express, on the 21st of May, his general disapprobation of bills for chartering joint-stock companies.

There was a practice, he said, with respect to speculations of this kind, which called loudly for some legislative prohibition. Persons formed schemes for the establishment of a company, and, while they speculated on obtaining a charter, went into the market with shares, which were sold at a given price, though they might in the result prove to be of no value whatever. This was a subject not undeserving of their Lordships' attention: it was worthy of their consideration whether it would not be proper to annul by a legislative act all such contracts. He objected to the incorporation of any company, except by a charter from the Crown. In that case, if the company acted improperly, the Crown could at once put them down, by withdrawing the charter; but when they were established by Act of Parliament, it required the passing of another act to repeal the former, before any remedy could be applied to the evil.

On several subsequent occasions he warned the Legislature of the dangers arising from these speculations: and the disapprobation with which he was known to regard them, and his vigilance against all attempts at jobbing this kind of bills through Parliament, formed a very operative check upon the bubble-mongers of the day.

In successfully resisting, on the 24th of May, the two bills introduced into the House of Lords by the Marquis of Lansdowne for the relief of the English Catholics, of which the one had for its main object to give them the exercise of the elective franchise, and the other to enable them to hold civil offices,

The Lord Chancellor observed that the first of the two bills, which was upheld on the ground that the English Catholics ought not to be denied the immunity enjoyed by the Catholics of Ireland, was not so framed as to justify that argument: for there were separate tests imposed on the Irish Roman Catholics, by the bill of 1793 conferring on them the elective franchise: they were bound to take certain oaths, and to bring a certificate that they had done so; but upon the English Catholics those tests were not imposed, either by the already existing law or by the now proposed bill. The Irish Catholics, too, had by various acts obtained a right to various privileges which these bills did not profess to bestow on the Catholics of England. The Irish and the English, therefore, would *not* be placed by this measure upon that equality which was urged as its recommendation. With respect to that enactment by which it was proposed that the Duke of Norfolk, a Roman Catholic peer, should be admitted to the exercise of his hereditary office of Earl Marshal, the Chancellor stated his own objection to be merely this, that if their Lordships were to go step by step, taking a little here and taking a little there, they would be doing gradually what they could not have done at once, and creating danger, with-

out the salutary alarm which should precede it.* If they gave to the Catholics of England a portion of the privileges conceded to the Irish Catholics, they must go on and give them all the other privileges which the Irish Catholics possessed: and he saw no reason why more mischief should be done now, because there had been some mischief done before. The truth was, that their former progress, from one step to another, was what made it difficult for them to stop now. For his own part, however, in the particular situation which he held, he felt it his bounden duty to take care of the supremacy of his Sovereign. If their Lordships would look back at the struggle which had been maintained, not only in the times of Henry VIII., of Elizabeth, and of James, but at the Revolution, to support the Sovereign's supremacy, they would see what importance had always been attached to it. Let them read the statute of the 1st of William and Mary, and he was sure they would be convinced of its vast importance; but this bill had no provision prescribing that the persons enfranchised by it should take the oath of supremacy. In Ireland an oath, equivalent to the oath of supremacy, had been required, as a condition of the exercise of the elective franchise there: and the necessity of such a sanction was evident from the great difficulty, if not impossibility, of separating the Pope's ecclesiastical and spiritual authority from temporal power. For the last twenty years there had been incessant attempts to take the Church of England by storm: these shocks it had withstood: let it not be now destroyed by sapping and mining. Without injury to that Church, such measures as these could not be effected: this was the opinion which he had long formed, and on which, with all proper deference to the opinions of others, he must continue to act, as long as he possessed the power of utterance.

This speech, very meagrely reported in Hansard, is probably that to which he refers in the following passage of the Anecdote Book: —

"In one of my speeches in the House of Lords upon

* The Chancellor afterwards conceded the exception in favour of the Earl Marshal. See below, 24th June 1824.

the Roman Catholic question, I stated what had been the conduct of the Roman Catholics from the time of Henry VIII. to the present day, with short observations as to what had happened in different periods, with a view to prove that the occurrences formed a just fear of the subversion of our civil estate, and of the subversion of our Church and religion, insisting that a short rehearsal of these matters, with suitable observations, were due matters to be represented for admonition to Parliament; and then argued the case as to the probabilities of what would happen, giving all the weight that could possibly be due to change of times, and modern opinions, (as we knew them,) opinions of modern Catholics. In the House of Commons, Mr. Canning, or Mr. Plunkett *, or both, thought it proper to treat this as a sort of speech which an Almanack maker †, reciting past events,

* Parl. Deb. Feb. 28th, 1825, p. 808.

† No sentence ever uttered in Parliament has been more misquoted and misapprehended than the passage of Mr. Plunkett's speech to which Lord Eldon here adverts. That passage, as really delivered, had no reference to any argument of Lord Eldon: neither did it import, as was commonly given out at the time, that history was to be regarded but as an old almanack. The object of the illustration was to show the necessity of profiting by historical experience in a really philosophical spirit. The words actually spoken were nearly as reported in Hansard's Debates, Feb. 28th, 1825, (vol. vii. of the New Series, p. 808.): "While man would sleep or stop in his career, the course of time was rapidly changing the aspect of all human affairs. All that a wise government could do was to keep as close as possible to the wings of time, to watch his progress, and accommodate its motion to their flight. Arrest his course they could not; but they might vary the forms and aspects of their institutions, so as to reflect his varying aspects and forms. If this were not the spirit which animated them, philosophy would be impertinent, and history no better than an old almanack."

might make, and which, therefore, might deserve no answer. And Canning, I think, called it a 'Pettifogger's Speech,' as he thought all lawyers' speeches were. It is very remarkable that Bacon, in his speech concerning a war with Spain in his time, follows exactly the same course of statements of the Papists' transactions in days then past, as justifying such a war, and then raises himself the self-same objection, that this sort of statement is only 'an almanack for old years*;' and then proceeds to state the necessity and duty of attending to what had passed in former times, as I think I should have done, if any one had had the courage, in my presence, to use such language. As to Mr. Canning's 'Pettifogging Lawyers,' I should have treated that, if the terms had been applied to me in my presence, with the scorn and contempt which insolence merits. Politicians are fond of representing lawyers as most ignorant politicians: they are pleased, however, to represent politicians as not being ignorant lawyers, which they, most undoubtedly, generally are — and this was never more clearly demonstrated than by Mr. Canning's speeches on the Roman Catholic question."

The failure of the bills for the enfranchisement of the English Catholics in general was followed by a separate attempt in favour of the Duke of Norfolk, who, as a Roman Catholic, was prevented by the then existing law from the execution of his hereditary office of Earl Marshal. A bill was introduced by

* See "Considerations touching a War with Spain;" Bacon's Works (Montagu's edition), vol. v. p. 253.

Lord Holland into the House of Lords on the 18th of June, for enabling the Earl Marshal to act in his office, on taking the oath of allegiance, without the oath of supremacy or the declaration against transubstantiation. Next day, Saturday, the Chancellor recommended the postponement of the measure to a future Session; but, on a division, the second reading was carried by 24 against 10. The bill, which contained but two clauses, was read a third time on the 21st, at a little after five o'clock. The Duke of Newcastle and Lord Abingdon entered a protest against the principle of the bill, and against the third reading of so important a measure at so early an hour, which they complained of as a surprise. The King, too, took alarm at a concession to the Catholics, which he apprehended might lead to indefinite results; and addressed a note to the Lord Chancellor, in a style exceedingly different from that of his usual communications to that highly-favoured Minister.

"Carlton House, June 23rd, 1824.

"The King desires to apprise the Lord Chancellor, that the King has learnt, through the medium of the newspapers, what has been passing in Parliament relative to the office of Earl Marshal of England.

"The King cannot suppose that the Lord Chancellor of England can approve of the King's dispensing with the usual oaths attached to that, or any other high office; but if the King should be mistaken in this supposition, the King desires that the Lord Chancellor will state his reasons in writing, why the King should be expected to give his consent to such an unusual and unprecedented measure.

"G. R."

The Lord Chancellor appears to have succeeded in allaying the King's apprehensions, by convincing him

that the particular concession proposed in this bill would work no general disadvantage to the Protestant cause. Not only was his Majesty induced to give the Royal Assent, but, on the evening of the 24th, when Lord Holland brought the subject before the House of Lords, complaining of the protest, Lord Eldon himself spoke a few words in favour of the measure.

He said that after a bill had once passed, the sense of the House must be considered as having been distinctly pronounced on it. If the House were supposed to have acted hastily, the course was to move for the repeal of the bill. He was far, however, from insinuating that such a course would be proper in the present case: his opinion was decidedly otherwise. With respect to the oath of allegiance, he must say, as a lawyer, that it contained in it everything included in the oath of supremacy: and that the oath of supremacy was in fact added as an explanation of the oath of allegiance, or, as Lord Hale had expressed it, was passed to unravel the errors that had crept in.*

The bill having thus cleared its way through the House of Lords, went unopposed through the House of Commons, and became law as the 5th Geo. 4. c. 109.

Lord Eldon to Lady F. J. Bankes.

(June 1824.)

"Yesterday we had our party: all went off very well. The whole in good, or rather high, humour.

"1. Self. 2. Duke of York. 3. Duke of Wellington. 4. Duke of Montrose. 5. Marquis of Hertford. 6. Lauderdale. 7. Gifford. 8. Shaftesbury. 9. Gwydir. 10. Redesdale. 11. Stowell. 12. Lonsdale. 13. W. H. J. Scott.

"The King gone out of town yesterday evening. He

* It does not appear on what ground Lord Eldon consented to dispense with the declaration against transubstantiation.

sent me a message by the Duke of York, that he would have dined if he had been asked. He should certainly have been asked if I had been aware that he would have condescended to permit me to send him an invitation. I have not heard, however, of his dining out since the Crown descended upon him. Perhaps it is better, great as the honour would have been, that I did not know that he would have conferred it: for as to these things, such a condescension would have excited a good deal of jealousy in some men's minds; for there are such feelings in the minds of some (notwithstanding all the prayers they offer up to be delivered therefrom), as feelings of malice, hatred, envy, and uncharitableness; and that too where there is no ground or excuse for harbouring such feelings.

"To do Mamma justice, she gave us what W. H. J. S. would call, and did call, a most handsome set-out. And she is very well, and pleased with the whole — a little fatigued perhaps, for you know her anxieties will not let her devolve these things upon others in relief of herself."

Lord Eldon to Lady F. J. Bankes. — (Extract.)

"Friday (June 25th, 1824).

"Yesterday the Duke of Wellington's dinner. Did not get there till past 8 — all the turtle gone, alas! Ditto, all the fish — very splendid; — open window on my left side — got a cold thereby. In the evening hundreds came — one in fifty was as many as I knew. The King went in great state with an escort of Horse. I think that job, and prorogation to-day, will lay him up.

* * * * * *

"At dinner yesterday, 1. The King. 2. Duke of York. 3. The Lady! 4, 5. Duke and Duchess of Wellington. 6, 7. Count Lieven and Lady. 8. Prince Polignac. 9. Dutch Ambassador. 10. Chancellor. 11. Marquis Conyngham. 12. His son. 13. His daughter. 14. Liverpool. 15. Bathurst. 16. Melville. 17, 18. Lord and Lady Warwick. 19, 20. Lord and Lady Gwydir. 21. Lord Glenlyon. 22. Mr. Canning. 23. Mr. Robinson. 24. Lord Maryborough. 25. Lord Westmoreland. 26. Mr. Peel. And two more, I forget who."

In the afternoon of the day on which the last letter was written, the Session was closed by the King in person.

Lord Eldon to Lady F. J. Bankes. — (Extract.)

" June 26th, 1824; Saturday.

" Parliament's last day is over, and well over. The King went to the House and was amazingly well received in going and returning.

* * * * * *

Mamma took a view of the show in her carriage. The King espied her, and, bowing to her in going, gave her no less than three acknowledgments of the same kind in returning."

Extracts of Letters from Lord Eldon to Lady F. J. Bankes.

" July 6th, 1824.

" I forgot to tell you any particulars of Hertford-house warming.

" We had Lady Hertford, who still looks blooming.

* * * * * *

We had also Emily Lady Londonderry. She informs me that my friend Catalani, who has been delighting the lovers of music at Cambridge, is now not much better at an Italian air than I fancy myself to be; that Rossini is the very thing, but, as he will not display his powers, even at a private concert, for less than 80 guineas, few people can afford to be enraptured by his semi-demi-quavers.

* * * * * *

" I have given Gaselee his patent as a Judge to-day, to make him ready for the Norfolk Circuit. There being three Serjeants, three of my fingers are beautified by gold rings. They have all the same motto, and it does not seem to me to be a very well-chosen one, — '*Bonis legibus, judiciis gravibus,*' — which being interpreted is, 'By good laws, and weighty judgments.' Rather flat this."

" July 7th, 1824.

" Dined yesterday with Lord and Lady Londonderry. We had a christening.

" After the ceremony, a grand dinner in a grand house: 42 at dinner, — about 30 servants, — about 100 candles.

* * * * * *

Many fine ladies there — Mrs. Littleton† the handsomest. — The house is in Park Lane, and has been altered and altered till it is magnificent; very full of fine pictures.

* * * * * *

Dine at the Duke of York's to-day, after a great review of Cavalry by him at Hounslow-heath, to which John‡ and my lady are hurrying."

(Evening of same day).

"The Commander-in-chief, the Field Marshals, the Generals, the Lieutenant-Generals, &c. &c. &c., were all drenched with torrents of rain at the review yesterday; and the ladies, who were in open carriages, came to town, dripping and wet, as if they had been amusing themselves in the Thames.

"I dined with the Duke of York, who spoke of the conduct of the Artillery at this review in terms which it would have delighted the Dyneleys to hear. Our Sovereign Lord the King did not attend. No weather would have prevented George III. from being at the head of his troops."

"Sunday (July 11th, 1824.)

"There was what is called a grand review in Hyde Park yesterday. They, who understand such exhibitions, speak well of it. To me it seemed to consist of nothing but noise and smoke. The Duke of York was, I hear, very popular, and prodigiously cheered. My Royal Master was in Carlton House, *i. e.* within half a mile of this scene, but did not approach it. It is astonishing what is lost by this sort of dealing, and it is grievous that the popularity which might be so easily earned, and acquired at so small an expenditure of time and trouble, should not only not be secured, but a feeling of disgust and reproach be engendered towards a person with respect to whom a very different feeling most easily might and ought to be created."

"Sunday (August 1st, 1824.)

"I have some, and no small comfort to-day, in having my organs of hearing relieved from the eternal din of the tongues of counsel. I am sometimes tormented by the noise of Lady

† The present Lady Hatherton. ‡ John Bull.

Gwydir's Scotchmen playing under my windows upon the Scotch instrument vulgarly called the bagpipes; but there is music in that droning instrument compared to the battle of lawyers' tongues. This, however, I must get through, somewhat more, before they can be silenced.

"My Royal Master is amusing himself, and I am sorry to add, amusing some others, pretty publicly, at Windsor. In the overturn there the other day, in sight of the party of ladies and gentlemen, Admiral Sir E. Nagle fell on Sir A. Barnard, and hurt him. The Admiral was only distressed by his small clothes being rent in pieces in the view of those who should not have beheld that spectacle."

It was a common complaint against Lord Eldon that his dislike to changes indisposed him even to improvements. It is not to be denied that his apprehension of unknown evils did sometimes restrain him from securing an attainable good; but, where he saw his way clearly, he sometimes (even in matters of legal administration, from which he was supposed to be especially averse) amended with no less decision than skill. The following resolution, found among Lord Eldon's papers, will show the value set upon his legal reforms by the people of Scotland: —

(October 13th, 1824.)

"In a general meeting of the Freeholders, Commissioners of Supply, and Justices of the Peace, of the County of Ross, held in Tain upon the thirteenth day of October, eighteen hundred and twenty-four years.

"It was unanimously resolved, That the thanks of this county be respectfully tendered to the Right Honourable John Earl of Eldon, Lord High Chancellor of England, for the eminent service he has rendered Scotland, by applying his great talents and extensive legal knowledge to the improvement of the forms under which the law is administered in our Courts of Justice — a service forming a worthy sequel to that unbounded labour and painful anxiety, bestowed by

him on the decision of cases in the Supreme Appellate Jurisdiction, which have justly endeared his name to the people of Scotland: and that Sir James Wemyss Mackensie, Baronet, Member of Parliament for this county and Præses of this meeting, be requested to communicate the sentiments of the county to his Lordship.

"Extracted from the minutes.

"By order of the County, by

"H. J. CAMERON, Joint County Clerk."

Lord Eldon to Lady F. J. Bankes. — (Extracts.)

"November 15th, 1824.

"At about eleven Sir William Knighton called upon me, — ordered, as he said, to give me the King's affectionate regards; and, if all Sir William said is Gospel truth, very affectionate indeed they must be. He still remains with too much gout to come to town, but hopes to manage it by Saturday, to have the Recorder's report. I shall be glad, for his sake and everybody's sake, when that is over, because whether Mr. Fauntleroy is to suffer or not had best be a point disposed of, instead of the passions of people being so much agitated by publications, petitions, &c. Even 'John Bull,' to my astonishment, writes rather for Fauntleroy yesterday.

* * * * * *

"How people's property is to be protected, — how the persons, who are existing in comfort and happiness to-day, are to hope to have anything to live upon to-morrow, — how it is to be said that all who have been executed for forgery have not been murdered, — if example is not made of Mr. F., — is beyond my conception.

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"News from Lulworth: viz. that the Duke of Gloucester, walking out, met an old woman, who begged pardon of him for having stolen some pheasants' eggs, — but, having set them under hens, she had about thirty young pheasants: and, as she was in want and had confessed, she hoped he would bestow his charity upon her, and if he would send next day to where she lived the pheasants should be sent to Lulworth. He gave her half a sovereign; but, on sending next day,

neither the place, the woman, nor the pheasants were to be found."

As a set-off to this piece of Dorsetshire roguery, it is but fair to subjoin some stories which Lord Eldon used to tell of Dorsetshire simplicity:—

"Our old woman Betty, at the lodge at Encombe, complained that people came into the place and stole wood, and that she did not know what to do about them. 'Well,' said I, 'Betty, we must have them apprehended, and sent to Dorchester gaol, and tried before the Judges there.' 'Oh,' said Betty, 'that will never do, for they will send the Judges a little money, as they always do, and then they are quite sure to get away.' 'Surely,' said I, 'Betty, you don't think so ill of us Judges?' 'Not of your Lordship,' said Betty, 'but all the rest will take a little money.'"

"When out shooting at Encombe, we went through a field, where a boy was employed to drive off the crows and rooks from new-sown wheat. I perceived the boy following us in our sport, at least a mile from that field. 'My boy,' said I, 'how came you to leave your work? the birds will get all the wheat.' 'Oh no, my Lord,' said the boy, 'they saw your Lordship in the field, and they won't dare come again now they know your Lordship has been there.'"

"I found another boy very busy in pelting down walnuts. I asked him what he was about. He said he was only keeping sheep. I asked him if the sheep were at the top of the walnut tree. 'I do not see them there now, please your Lordship,' answered the boy."

Lord Eldon to Lady F. Bankes. — (Extract.)

(November, 1824.)

"Lord Stowell seems hearty; the Vice-Chancellor, I think, very so so. — Lord Gifford is grown fat. — The Lord Chancellor beats them all, out and out, he is so strong and stout."

Lord Redesdale to Lord Eldon. — (Extract.)

"Batsford, December 31st, 1824.

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"Lord C.'s letter also refers to a subject of some importance — the difference between the law of England and the law of Ireland, on the subject of landlord and tenant: I will not trouble you with it now.

* * * * * *

"No one reads impartially the history of Ireland. Read impartially, it cannot be denied that the mere Irish had, at all times, much ground for complaint. They were savages, and ought to have been civilised by the English Government. But it was for the advantage of individuals to keep them savage; and to plunder them of their lands, by driving them, by oppression, into rebellion; and the English, settled amongst the mere Irish, became Irish in civilisation and conduct, and were treated as mere Irish.

"I learn that Lord Fingall and others, Catholics of English blood, are alarmed at the present state of things: and they may be well alarmed. If a revolution were to happen in Ireland, it would be in the end an Irish revolution, and no Catholic *of English blood* would fare better than a Protestant of English blood. So said Lord Castlehaven, an Irish Catholic general of English blood, 170 years ago; and so said a R. C. of Irish blood, *confidentially* to me, above twenty years ago. The question is, not simply Protestant and Catholic, but English and Irish: and the great motive of action *will be hatred of the Sasenagh*, inflamed by the priests, who will be considered *as priests*, whether of Irish, or English, or any foreign blood; as the priests, in England, as well as in Ireland, were formerly, in many parts, Italians, or other foreigners. The country of the priest is not considered. He can have no legitimate progeny. He has, as priest, no landed

property to convey to his relations. He is an isolated being, not regarded as one of the Irish nation, but merely as a *priest.*

* * * * * *

"That the separation of Ireland from England is the object of the Irish Roman Catholics, I have no doubt. Without that separation, they can neither make the Catholic religion the established religion of Ireland, or give to the mere Irish the forfeited lands in Ireland. The priests must have that object in view; as it would immediately give them, as they *hope*, the establishment, with all its revenues. Perhaps they are deceived in that hope. A revolution in Ireland would be like the French revolution, and would apply the revenues of the church to the wants of the state. So it was in Spain and Portugal, and so I think it would be in Ireland. But the Irish priests do not see so far.

"I have now troubled you with a long letter: but the subject is important, and you are almost the only person standing in the gap. Affectionately yours,

"REDESDALE."

Lord Redesdale to Lord Eldon.

"Batsford, Jan. 11th, 1825.

* * * * * *

"Great pains have been taken by the present Government of Ireland to make those whom they call Orangemen (formerly called Williamites in opposition to those called Jacobites) odious in England, and then to include Protestants, generally, under the denomination of Orangemen. When I was in Ireland, Orangemen were scarcely heard of, and little considered. The Irish Government has made them considerable by persecution.

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"The priests, and the lower orders of Catholics, are urged by hopes and by expectation of plunder. The higher orders, I have no doubt, secretly dread the consequences; and especially those who are of English blood. The Irish families, who have embraced the Protestant religion, know that they are considered as renegades, and that they have as little

mercy to expect as the Protestants of English blood. They know, that if the Catholics should prevail, the marriage of their parents, if solemnised by a Protestant clergyman, and the legitimacy of their birth, will be denied. The titles to their lands will not be disputed by claimants of forfeited estates, but by their own Catholic relations, claiming as the legitimate heirs of their families. They are perhaps more agitated than those whose titles depend on the strength of forfeitures. But there are many Catholic as well as Protestant families, of Irish blood, who tremble for the consequences of any explosion. All the lower orders, bearing the names of their ancient septs, O'Donoghues, O'Sullivans, O'Sheas, O'Tooles, &c. &c., conceive that the land which formerly belonged to the sept is justly the property of the whole, and that each ought to have a share."

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CHAPTER XLVII.

1825.

LETTERS OF LORD ELDON TO LADY F. J. BANKES. — MR. BROUGHAM'S INVECTIVE AGAINST LORD ELDON: LETTERS OF LORD ELDON TO LADY F. J. BANKES AND MR. SURTEES. — SPEECHES OF LORD ELDON: IRISH ASSOCIATIONS: GAME LAWS. — ASSERTION OF THE RIGHT OF THE CLERGY TO PETITION PARLIAMENT. — DUKE OF YORK'S DECLARATION AGAINST THE ROMAN CATHOLICS: LORD ELDON'S VERSION OF IT. — LETTERS OF LORD ELDON TO LADY F. J. BANKES. — CATHOLIC QUESTION: *WINGS*. — LETTERS OF LORD ELDON TO LADY F. J. BANKES. — CORRUPTION OF BLOOD. — ARREARS IN CHANCERY. — LETTERS OF LORD ELDON TO LADY F. J. BANKES. — SIR FRANCIS BURDETT'S MOTION, FOR EVIDENCE TAKEN BY CHANCERY COMMISSION. — JUDGES' SALARIES BILL: EMOLUMENTS OF THE GREAT SEAL. — LETTERS OF LORD ELDON TO LORD ENCOMBE AND THE REV. H. J. RIDLEY. — MOTION OF SIR F. BURDETT RESPECTING CHANCERY ARREARS: LETTERS FROM LORD ELDON TO LORD LIVERPOOL, AND FROM LORD LIVERPOOL TO LORD ELDON.

Lord Eldon to Lady F. J. Bankes. — (Extract.)

(Probably Feb. 2nd, 1825.)

"HARD working days are now approaching — and all that I observe, upon which I can form conjectures and estimate probabilities, I think, warrants me in thinking that, however cold it may be *out* of the Houses of Parliament, there will be no want of warmth *in* them. However, my temper has been so often tried there, that I defy any who shall be there, be they few or be they many, who shall attempt it, to infuse any heat into my temper or my words, though the latter, in matters in which I think the country deeply interested, will not be wanting in evincing determination and firmness. Consistency too they will manifest, and, as I think that change of opinion from wrong to right is much to be preferred to

obstinacy in adhering to what is wrong, it is no small consolation to me to be sure that I can walk in the path in which I have been accustomed to walk in public matters, under a full conviction that I have been in the right way.

"To-day we have Cabinet in Downing Street, and Council at Carlton House, to try if we can make a good speech for the King. But there are too many hands at work to make a good thing of it, and so you will think, I believe, when you read it."

"Thursday, (1825).

"The King's speech was settled yesterday, in the anteroom to his bed-room, he having too much gout to come down stairs. His arm, in which part of the disorder is, was slung in a black handkerchief, and he seemed to be in a good deal of pain. I don't much admire the composition or the matter of the speech. My old master, the late King, would have said, that it required to be set off by good reading. It falls to my lot to read it, and I should read it better, if I liked it better."

With this speech, the Chancellor opened the Session of 1825 on the 3rd of February. Among other matters of importance, it noticed the existence of *Associations* in Ireland, whose proceedings were irreconcilable with the spirit of the Constitution and dangerous to the public peace; and it called upon Parliament to consider the means of applying a remedy. The scope of this passage fairly included both Catholic and Orange associations; but was represented as really including only the former. In the Commons' debate on the Address in answer to the Speech, Mr. Brougham, after urging the Pro-Catholic section of the Cabinet to press their colleagues for emancipation, proceeded thus:—

"Of what are they afraid? What is their ground of "alarm? Are they apprehensive that the result would be the

" resignation of any of their colleagues? Do they think that " any one of their coadjutors, some man of splendid talents, of " profound learning, of unwearied industry, would give up his " place? Do they think he would resign his office? that he " would quit the Great Seal? Prince Hohenloe is nothing to " the man who could effect such a miracle [*hear! and a laugh*]. " A more chimerical apprehension never entered the brain of " a distempered poet. Anything but that. Many things may " surprise me; but nothing would so much surprise me, as that " the Noble and Learned individual to whom I allude should " quit his hold of office while life remains. A more superfluous " fear than that of such an event never crossed the wildest " visionary in his dreams. Indeed, Sir, I cannot refrain from " saying, that I think the Right Hon. Gentlemen opposite " greatly underrate the steadiness of mind of the Noble and " Learned individual in question. I think they greatly under- " rate the firmness and courage with which he bears, and will " continue to bear, the burthens of his high and important " station. In these qualities the Noble and Learned Lord has " never been excelled — has never perhaps been paralleled. " Nothing can equal the forbearance which he has manifested. " Nothing can equal the constancy with which he has borne " the thwarts that he has lately received on the questions of " trade. His patience, under such painful circumstances, can " be rivalled only by the fortitude with which he bears the " prolonged distress of the suitors in his own Court; but, to " apprehend that any defeat would induce him to quit office, " is one of the vainest fears — one of the most fantastic ap- " prehensions — that was ever entertained by man. Let him " be tried. In his generous mind, expanded as it has been " by his long official character, there is no propensity so " strong as a love of the service of his country. He is no " doubt convinced, that the higher an office, the more unjus- " tifiable it is to abandon it. The more splendid the emo- " luments of a situation, — the more extensive its patronage, " —the more he is persuaded that it is not allowed to a wise " and good man to tear himself from it. I contend, there- " fore, that the Right Hon. Gentlemen opposite underrate " the firmness of their Noble and Learned colleague. Let " them make the experiment; and if they succeed in wrench-

" ing power from his gripe, I shall thenceforward estimate " them as nothing short of miracle-mongers. His present " station the Noble and Learned Lord holds as an estate " for life. That is universally admitted. The only question " is, whether he is to appoint his successor. By some it is " supposed that he has actually appointed him, and I own I " have observed several symptoms of such being the case. If " it be so, I warn that successor, that he will be exceedingly " disappointed, if he expects to step into the office a single " moment before the decease of its present holder [*a laugh*]. " However, I do intreat, that the perseverance of this emi- " nent person may be put to the test. Let the Right Hon. " Gentleman say, he will resign, if the Catholic question *is* " *not* carried in the Cabinet: let the Noble and Learned " Lord say, that he will resign if it *is* carried. I am quite " sure of the result. The Catholic question would be carried; " but the Noble and Learned Lord would retain his place. " He would behave with the fortitude which has distinguished " him in the other instances in which he has been defeated; " and the country would not be deprived, for a single hour, " of the inestimable benefit of his services [*a laugh*]. To " return, however, to the state of Ireland.

" The Speech talks of *Associations* in the plural. That is " not without an object. I warn the House, however, not to " be taken in by the contrivance. That little letter *s* is one " of the slyest introductions that Belial ever resorted to, in " any of those speeches which are calculated to

> ' make the worse appear
> The better reason; to perplex and clash
> Maturest counsels; for his thoughts are low.'

" I am perfectly aware, Sir, by whom that *s* was added. I " know the handwriting. I know the reflection which " passed through the mind of the writer, — ' I must put the " ' word in the plural; it will then be considered as applica- " ' ble to Orange as to Catholic associations, and the adver- " ' saries of both will be conciliated.' Let not that little letter " *s*, however, deceive a single person. However it may be " pretended to hold the balance even between the Catholic " and the Orange associations, depend upon it, it will be

"only a nominal equity. It will be like one of those "'subtle equities,' so well known in the Court over which "the Noble and Learned Lord to whom I have been alluding "presides. Let the proposed measures be carried, and the "Catholic association will be strongly put down with one "hand, while the Orange association will receive only a "gentle tap with the other."

Lord Eldon to Lady F. J. Banks.—(Extract.)

"Saturday (Feb. 5th, 1825).

"Since I last wrote, I have seen the debates of the Commons on Thursday night. When you read them, you will see that Brougham has had no mercy upon the Chancellor. Laughs and cheers he produced from the company, repeatedly, with his jokes: which, however, he meant to play off in bitter malignity, and yet I could not help laughing at some of the jokes pretty heartily myself. No young lady was ever so unforgiving for being refused a silk gown, when silk gowns adorned female forms, as Brougham is with me, because, having insulted my Master, the insulted don't like to clothe him with distinction, and honour, and silk. In the straightforward discharge of my public duty, I shall defy all my opponents: their wit, their sarcasms, their calumnies, I regard not, whilst conscious I have a great duty to perform; and *that* I have now, in the support of the Constitution in Church and State. I shall do what I think right—(a maxim I have endeavoured in past life to make the rule of conduct) and trust the consequences to God.

"Now for digression from the serious to the lighter matters,—having first noticed that Canning answered every part of Brougham's speech, except what concerned his colleague, myself. But this is what I should have expected."

Lord Eldon to the Rev. Matthew Surtees.—(Extract.)

(February 1825.)

"The Commons have had four long nights' debate, about the suppression of the Irish Roman Catholic Association, and some Members have not failed to aim their blows at me in my absence. This I expected: it does not disturb me, and I am too sure I am right, (and *that* after the most -

anxious consideration *how* to be right,) to be diverted from my firm and determined purpose to support, to the last, our Establishment in Church and State; a support, which I am sure cannot be consistent with Catholic emancipation.

"My opinion is that the Establishment is formed, not for the purpose of making the Church political, but for the purpose of making the State religious: that an Establishment, with an enlightened toleration, is as necessary to the peace of the State, as to the maintenance of religion, without which the State can have no solid peace: that our Establishment is founded upon the purest system of Christianity, and that which in its nature is most tolerant: that a Protestant Church and a Roman Catholic Church cannot co-exist upon equal terms: that one of them must be predominant: that if the Protestant is predominant, the Roman Catholic may have the full benefit of toleration — but that it cannot have political power, with any hope that it will allow a fair degree of toleration to the Protestant Church. Its principles are founded in ecclesiastical tyranny, and ecclesiastical tyranny must produce civil despotism.

"I know not, moreover, how I can alter my conduct, without declaring the Revolution of 1688 to have been rebellion, and the throne to have been filled for a century by usurpers. You will therefore see, if the business comes to the House of Lords, that I shall proclaim my principles in the strongest and firmest manner, in the discharge of my duty, as I understand it, to God, the King, and my country. I have for many years acted upon the determination to do what I thought right, and to leave the consequences with the Great Judge, from whom no secrets are hid, and to whom all hearts are open."

A bill, founded on the King's Speech, had passed the House of Commons in February*, declaring to be unlawful all political associations, which, whether their members should have been previously elected by the people or not, should by adjournment or

* 5 Geo. 4. c. 4.

FAC-SIMILE of AUTOGRAPH

OF

LORD CHANCELLOR ELDON.

My Opinion is that the Establishment is formed, not for the purpose of making the Church political, but for the purpose of making the State religious -

Eldon

Extract of Letter to the
Revd Mat^w Surtees
Jany 1822

otherwise continue their sittings, or the sittings or authority of any committee or officer, for more than fourteen days, or levy contributions from his Majesty's subjects or from any descriptions of them, — and all societies composed of different branches, or corresponding with other societies, or excluding members on the ground of religious faith, or requiring oaths or declarations otherwise than as required by law. When the bill reached the House of Lords, a motion was made by Lord Carnarvon, on the 3rd of March, to comply with a petition of certain Irish Roman Catholics, who prayed to be heard against the measure. This motion having been opposed by Lord Liverpool, and supported by Lord Grey,

The Chancellor, after disclaiming all share in the composition of the bill, which however he declared to have his complete concurrence, insisted on the necessity of prohibiting these associations, which, though not antecedently delegated by any portion of the people, like those against which the Irish Convention Act, 33 Geo. 3. c. 29., had been directed, produced the same mischief as those delegated societies, by acting for a portion of the people with their subsequent assent. If it could be shown that a Roman Catholic body had assumed a representative character — that they had proceeded to tax the people of Ireland — that they exercised a control over the administration of justice, a control not to be tolerated in any country — if any such body assumed so great an influence over six millions of people — let the House only reflect what the consequences must be, and especially in such a country as Ireland. If it was done by the Catholics, the same might be done by the Protestants; and in that case, what sort of justice could any individual hope to obtain? With respect to the prayer of the petition, this act proceeded to legislate upon a general principle; and the general rule in such cases was, that no man could be heard upon petition, unless in cases where his own particular interests

were affected. If he was asked whether there were not exceptions to this rule, he would say that he believed there were many; but it was always at the discretion of Parliament, whether they would preserve the rule, or act on the exception. Cases might be adduced, in which bills, on the demand of extraordinary exigency, had passed in the course of one day, which would subject the parties to the greatest possible punishment; and if, in such cases, a hearing of counsel were interposed, the measure might come too late to remedy the evil it was directed against. Acting upon the general rule, he would say it was necessary to pass this bill without hearing the petitioners.

Lord Eldon to Lady F. J. Bankes. — (Extract.)

"Saturday, (Feb. 26th, 1825).

"We had a long speech from Lord Suffield, introducing a bill to prevent people in future from setting spring-guns anywhere. There was no opposition to it as yet; but I understand the Norfolk game-breeders are, or will be, against it. For my own part, I can't understand why these engines of death should be allowed. *I don't think a poacher should be put to death, to preserve a hare or a partridge.*"

When this bill was about to be committed, on the 7th of March, the Chancellor supported it.

He said he wished to see property protected, but he should be sorry to be thought an advocate for spring-guns. There had been no occasion for these engines in former times; but now, every plantation was turned into a poultry yard, and a sportsman was thought nothing of unless he could kill his thousand birds a day; and thus arose the demand for these new sorts of protection. Now that so many plantations had been made, and so well stocked with pheasants, how could their Lordships expect that people who had a taste for game —and he never knew an Englishman who had not,—would not go and look for it where it was to be found? Poaching was the consequence of game being preserved and protected. He, for one, never could defend the practice of setting engines

to endanger the life of a fellow-creature, for the sake of a partridge or a pheasant.

This bill appears to have passed the House of Lords, but to have been defeated in the Commons on the 29th of June, by a majority of one.

A petition from the Clergy of Taunton, against the Roman Catholic claims, produced some discussion on the 29th of March; in the course of which, the Chancellor vindicated the right of the Clergy to petition the House of Lords respecting any measures which might be before it, and affirmed that they had done their duty in giving their opinions upon this particular measure.

Lord Eldon to Lady F. J. Bankes. — (Extract.)

"April 7th, 1825; Thursday.

"I have the happiness of having finished my accounts with Mamma this morning, as we generally try my ability in arithmetic in an Easter week. My good father spared no expense in teaching me addition, multiplication, &c., but expense without diligence does not prevent Jack's being a dull boy or dunce, and so I remain to this day rather puzzle-pated as to figures: however, Mamma compliments me rather, I think, upon my performance this morning. I did not blunder quite so much as usual."

Lord Eldon to Lady F. J. Bankes.

"Saturday, (April 23rd, 1825).

* * * * * *

"Pugilists, you will read in the papers, when they have got a great advantage over their adversaries, say they have put them into Chancery. I could have put Canning, as to some of his points, into Chancery, if I had had a set-to with him. But brother Ministers in the House of Commons don't seem to like hitting hard against each other, and yet nothing but determination will do in a contest of this kind."

The Anti-Catholic party obtained in this Session a great addition of what is commonly called moral force, from the celebrated declaration made by the Duke of York in the House of Lords, on Monday the 25th of April, when he presented the petition of the Dean and Canons of Windsor, against further concessions to the Catholics. Such a declaration, coming from the presumptive Heir of the Crown, produced a powerful effect in the country, and thousands of copies of it, in gold letters, were framed and hung up in the houses of zealous Protestants. Lord Eldon thus records it in his Anecdote Book: —

" The following is the Speech of the Duke of York on the Roman Catholic question, copied from a paper, in which I wrote it down immediately after my return from the House of Lords, in 1825.

" ' My Lords,

" ' I present to your Lordships a petition, praying that further concessions may not be made to the Roman Catholics. I am so little in the habit of addressing this House, that I shall probably take no part in the debate upon the bill, if it reaches this House. Upon this occasion, therefore, allow me to declare my sentiments upon this most important matter. The respectability of the petitioners, the Dean and Chapter of Windsor, will secure their petition due respect. My Lords, twenty-five years have now passed since measures of this nature were first contemplated, — but, professedly, with ample securities for the Protestant Established Church — securities admitted, avowed, to be necessary. What the effect of the proposal of such measures was at that day, your Lordships know. The apprehension that the Sovereign might be called upon to differ with his Parliament in the discharge of his duty — to adhere to his Coronation oath, the compact he had made at the altar of God — led to affliction' — (here he could not proceed) —' and to the temporary dismissal of the best, the honestest, and the wisest Minister

the Crown ever had. That Minister always held out that there must be sufficient securities for the Protestant Establishment — for the maintenance of those principles which placed the Sovereign upon the throne — and that, with such securities, what ought to be satisfactory to the Roman Catholics might be granted. What is the case now, my Lords? You are to grant all that can be asked, and without any satisfactory securities. I am, my Lords, a friend to complete toleration; but political power and toleration are perfectly different. I have opposed the concessions of political power from the first moment in which it was proposed to make them. I have so acted throughout, under a conviction, whenever I have been called upon to act, that I was bound so to act. I shall continue to oppose such concessions to the utmost of my power. The Church of England, my Lords, is in connection with the Crown. The Roman Catholics will not allow the Crown or the Parliament to interfere with their Church. Are they, nevertheless, to legislate for the Protestant Church of England?

"'My Lords, allow me to call your attention to what must be the state of the King upon the throne, who has taken this Coronation oath,'— (here he read the oath). 'The dread of being called upon — of having it even proposed to him — to act contrary to his understanding of that oath, led, or materially contributed, to his late Majesty's sufferings in the last ten years of a life'— (here he could not proceed, and was in tears: after a pause he said)—'My Lords, if *you* have taken oaths, and differ about the meaning of them, those who think proposed measures contrary to their sense of their oaths are overborne by a majority — *they* do their duty — *they* act according to their oaths — the measure is carried without *their* violating *their* compact with God. But recollect that it is not so with *the individual* who is the Sovereign. *He* has a right — if he is convinced that it is his duty — to refuse his assent when the measure is proposed to him. His refusal is a constitutional bar to the measure — his consent, if given contrary to his understanding of his oath, is that for which he must ever be responsible. My Lords, I understand my duty in this place too well, to be stating what any other Person may or may not feel with respect to these proposed

measures, what any other Person may or may not propose to do, or to forbear doing. I speak for myself only; for myself only I declare my opinions and determinations. But I apprehend that I may be in this place allowed to call your attention to observations upon what MAY be the state of a sovereign to whom measures may be proposed; who is not to consider what oath *might* have been administered to him, and taken by him, but who *has* taken an oath; according to which, and to what may be his conviction as to the obligation that oath has created, he must conceive himself bound to act in consenting or withholding consent.

" 'My own opinions, my Lords, are well known. They have been carefully formed. I cannot change them. I shall continue to act conformably to them, to whatever obloquy I may be exposed, in whatever circumstances, and in whatever situation I may be placed. SO HELP ME GOD!' "

After other matters, the Anecdote Book thus continues this subject: —

" When the Duke of York made his speech in the House of Lords, many persons pronounced it to be a speech which it had been concerted between the Duke and others should be made by him, and which some declared had been composed by others, and by him only repeated; and I know that it was rumoured that the speech had been composed by me. After first stating that I had not the least knowledge that the Duke of York meant to utter a word upon the subject, when he came into the House of Lords on the evening when he made that speech, I think it unnecessary to record the fact that I had in no manner or degree been consulted upon the subject by his Royal Highness, and that neither to my knowledge or belief was it known to any person whatever that he had proposed to address the House as he did address it, or to address it at all upon the subject to which that speech related. I had it further from

the King, that, on the Sunday preceding the day when the speech was delivered, his Majesty began to talk to the Duke at Carlton House upon the Catholic question, and that the Duke requested his Majesty to defer talking to him upon that subject at all, till some time should have passed after that day when they were together; and in a subsequent conversation, which I had with the Duke after he had made the speech, in which I intimated to him that, upon a step so important, it was a bold measure to act without consulting third persons, he told me he had looked to all the consequences, — that he was determined that the act should be entirely his own, — and that neither the King his brother, nor any other person whatever, should be responsible for the consequences, and that he had therefore abstained from communicating with any person on the subject."

In another place, the Anecdote Book speaks thus: —

"King George III. frequently said to me, that if it was meant that a king upon the throne should assent to measures of the above nature, the Parliament should pass an act to alter the Coronation oath for future kings. — But if his Majesty's interpretation of his Coronation oath was correct, could he have given his Royal Assent to an act so altering the Coronation oath?"

In a letter written on the following day to Lady F. J. Bankes, the Chancellor relates the presentation of the petition by the Duke of York, adding,

"'In speaking of what his father endured upon this question he was deeply affected, and deeply affected all who heard him. He concluded by laying his hand upon his heart, and declaring that he ever had, and ever should, in any situation in

which he might be placed, oppose these claims of the Roman Catholics: so help him God!"

Extracts of Eight Letters from Lord Eldon to Lady F. J. Bankes.

"Wednesday (April 27th, 1825).

"I enclose you, as well as I can recollect it, the Duke of York's speech. Try if you can read it and send it back to me by return of post, if return of post will admit of bringing it back. This will create a vast sensation, and now, and in time coming, will be a memorable speech, creating warm attachment with some, inextinguishable animosity with others. The sensation it has made here is amazing. Petitions are coming in daily. If the same attention had been paid by the people, to this concern between Popery and Protestantism, in any early stage of the business, all had been well. As matters have been managed, religious animosity, and, what religious feeling ought never to produce, bitter animosity, will have been created, and I fear long continue, however the business may, at present, be arranged."

"Thursday (April 28th, 1825).

* * * * * *

"Never was anything like the sensation the Duke of York's speech has made.

"Some praise it, as the best thing any of the Brunswick family ever did.

"Others are as violent the other way, and say matters must now be pushed without delay, that the Catholic objects may be carried before it is possible he should come to the throne.

"But, against this, it has had such an operation upon all ranks of men except party men, that it will create insuperable difficulties to passing the intended measure in another year. I hear that 'the Duke of York, and no Popery,' is to be seen in various parts. The Bishop of London declared that he believed (speaking when presenting a petition yesterday) —that he was satisfied—nine people in ten in the City were determinedly adverse to the claims of the Roman Catholics."

(Not dated; probably April or May 1825).

* * * * * *

"I dined with the lady, usually styled Emily Dowager Lady Londonderry, with a large party — much larger than I deem comfortable — about eighteen fashionables, including myself as one.

* * * * * *

"The Duke of York was at Lady L.'s dinner — he can talk of nothing but the Papishes, to whom he is a most decided foe. My seat was between Lady L. and the Marchioness of Hertford. There was a great demand upon me for small talk, but I don't think I flirted with my usual success."

"Thursday (April or May 1825).

"If the D. of Y.'s speech was imprudent, it has nevertheless, on account of its firmness and boldness, placed him on a pinnacle of popularity. The K. thinks he might have left out the words 'in whatever situation he might be,' because, he, the K., does not intend soon to quit one, in which, he, the D. of Y., may be. But he says it with perfect good humour. The D. of Y. is at Newmarket. It is to be regretted that, in his highly important and lofty situation, he spends so many days with blacklegs, and so many nights at cards, among which we know there are *knaves*, as well as what are better company for him, *kings* and *queens*."

"Monday (May 1825).

"I hope the account of the following business has not reached you till this brings it, which, at the same time, tells you, that Mamma and I are as well as even you could wish us to be, and that's saying a great deal. I copy the article from a Sunday paper, as it saves me the trouble of composing a true account:—

"'Narrow escape of the Lord Chancellor. — His Lordship had just left the Court of Chancery yesterday afternoon, and, accompanied by Lady Eldon, was proceeding home, when, just as he passed Green's Family Hotel, in Lincoln's Inn Fields, the hind axletree broke in two, one of the wheels flew off to some distance, and the carriage came to the ground with a tremendous crash. His Lordship and

Lady were promptly extricated by some gentlemen who were passing, and apparently without any injury but the fright. Having recovered their alarm in about ten minutes, they walked arm in arm, leaving the carriage behind them on the ground.'

"So far the newspaper. Mamma was much more of a heroine than her spouse was of a hero. She was all courage, and capital management. No gentlemen helped us; none were there. Before we got out of Lincoln's Inn Fields, we espied the Vice-Chancellor's coach standing at the door of a house wherein he was. I borrowed the coach for Mamma, who got home all safe and sound, and she really amazed me with her fortitude. Neither coachman nor the servant behind were hurt. I dined afterwards with W. H. J.† Lord Falmouth, Mr. Mansfield, M. P., Mr. Windham, M. P., William Scott, Sir John Hawkins, William Surtees, and Frank Cross, were, with W. H. J. and myself, the company. I need not tell you that W. H. J. gave what he calls a good set-out.

* * * * * *

"I hear they have again got Lord Rolle's demise into yesterday's paper. This is what somebody, who thinks himself a wit, deems to be an innocent and pleasant hoax. But that same somebody ought to be horse-whipped."

"Thursday (May 12th, 1825).

"In Whitsun week, having only Monday and Tuesday in that week as holidays, I am ordered to attend causes in both days at the Privy Council, and therefore could not delight myself with my darling papers at home. So I must do as well as I can in the debate without previous researches, and must make a sort of ready money business of it. The King, I fear, continues in much misery from the gout. There is no man in Europe now so much praised and abused, as party feelings operate upon different persons, as the Duke of York. But he is bold as a lion, and firm as a rock."

"Friday (May 13th, 1825).

"I forgot to mention to you in my last, that the Commons stared me very impudently in the face, when they delivered

† His son, Mr. W. H. J. Scott.

to me the Catholic Bill at the Bar of the House. *This* bill, however, I think those gentlemen will never see again."

"Saturday (May 14th, 1825).

"We had last night, in the House of Lords, nothing but squabbling and wrangling about the credit due to petitions. They continue to come in great numbers, and, as the custom always is, those who like them say they speak the public opinion, — those who are sore and dislike them say they are contrivances of some individuals, or some few individuals, who contrive to prevail upon their neighbours to sign them, and that they are worth nothing.

"But the thing is quite clear, that John and my Lady* are quite against the Papishes, whatever the parliamentary adherents of the Church of Rome may say to the contrary."

The Roman Catholic Relief Bill of this Session passed the House of Commons by a majority of 21. It was intended by many of its promoters to be accompanied by two other measures, one for increasing the independence of the Irish freeholders by raising their elective qualification from 40*s.* to 10*l.*, and the other for connecting the Roman Catholic clergy with the State by a public provision. Bills for these two objects (which bills at that time were commonly called the *wings* of the Relief Bill) had made some progress in the House of Commons, when the Relief Bill itself went up to the House of Lords, where the second reading of it was moved on the 17th of May. Toward the end of a very long debate,

The Lord Chancellor rose. He referred to the other two contemplated measures, and argued that, without the means of knowing what was to be done respecting them, the House ought not to sanction the present bill. In the absence of those means, it was impossible to judge what effect the present bill might have upon the interests of the Protestant establishment.

* John Bull and family.

After observing upon the inadequacy of all the proposals which had ever been suggested by way of securities, and applauding the ingenuity with which this bill had been drawn, he proceeded to the question of supremacy.—As a Privy Councillor he had also taken an oath to defend and maintain entire and inviolate the supremacy of his Sovereign. He had also taken the oath of allegiance. He knew it might be said that his mind was fettered by the trammels of a lawyer; but he had the authority of Lord Hale to state, that the oath of allegiance was erected to dissipate the different constructions that were put on the oath of abjuration, which, though not created, was restored by that enactment. Under the sense of these obligations he was prepared to give his opposition to any measure which derogated from the supremacy of his Sovereign. He could not bring his mind to understand what a jurisdiction merely spiritual meant. If, by a spiritual jurisdiction, the marriage of a Protestant with a Catholic was set aside, though the Courts of Civil Law of this country compelled the parties to continue in wedlock, he would ask, was that a spiritual or a temporal jurisdiction? The discussion of the present measure required a much larger field than its advocates gave it. It must be considered in connexion with the other measures which their Lordships had understood, from the votes of the House of Commons, were in contemplation. It must be taken with the disfranchisement of the freeholders, and with the provision for the Catholic clergy of Ireland. He asked, therefore, whether the English Catholics were to be placed on an equal footing with those of Ireland? The authority of Mr. Burke had been alluded to—of Mr. Burke, who had stated that it was essential to the Constitution that we should have a Protestant King, a Protestant Government, and a Protestant Parliament. Now, he wished to know, whether under a system so essentially Protestant, the Protestant Dissenters were not also to be put on a footing with the Roman Catholics of both countries? On what principle could their Lordships refuse the stipends to the Protestant Dissenters after they had secured them by an Act of Parliament to a Popish hierarchy? He would go further, and say, that after such a provision had been made for

the Catholic priesthood of Ireland, it was impossible to refuse something more than a *regium donum* to the clergy of the Dissenters. They had heard much of the constitution of the States of America. He trusted that the experiment that had been made in that country of a government without a religious establishment might, for the peace of its people, succeed; but it was not because such an experiment was on trial that he would agree to surrender the rights and security of that Church Establishment in this country, which had contributed so essentially to its glory, prosperity, and happiness. With respect to the other measure which it appeared was to accompany the accomplishment of the present bill, he meant the disfranchisement of the Irish 40*s.* freeholders, he should pronounce no opinion upon it then. He would not say whether it was wise or unwise; but he would say, that they were called upon to decide on the main measure. Yet, if it were true that a measure, which went to disfranchise thousands of the King's subjects, was brought forward with a view to catch a vote on the one and the other side of the House for another bill which went to obtain an extension of civil rights for a few, it did in that light appear to him a most objectionable measure. Some Noble Lords had termed him a Parliamentary reformer. He would say, in answer, that he had lived too long in the world to attach much respect to the character of what was understood to be a reformer. He most certainly saw reformers, revolutionists, and other persons, all united together to carry forward the present measure; those other persons being some of the very best persons in the country. But he was stated to be a reformer because he had ventured to declare his belief that the great majority of the people of this country was hostile to the present measure. In that opinion he persevered. He did believe that an infinite majority of the English people were averse to it — that they were disquieted by the apprehension of its accomplishment — and that if it did pass it would give great pain and dissatisfaction. But then it was said, it had passed the House of Commons. He did not wish to give any cause of dissatisfaction to Noble Lords near him; but he well recollected the East India Bill, a bill which passed the House of Com-

mons, and against which numerous petitions had been presented. It was, however, then, as it was now, contended that the people approved of the measure. However, unluckily for that assertion, there came on a general election. The House of Commons, after that election, was differently constituted; and the result proved, that what was alleged to be the decision of the people of this country turned out to be a perfect delusion. He felt that, in the few observations he had made, he had not, at that advanced hour of the morning, expressed himself as clearly as he could have wished; but he should conclude with assuring their Lordships, that after twenty-five years' deep consideration of the subject, he could not, conscientiously with his sense of duty, and the station which he held under the Crown, give his support to the present bill.

Extracts of Six Letters from Lord Eldon to Lady F. J. Bankes.

(May 18th, 1825.)

"Victory.

For the bill - -	130
Against it - -	178
Majority	48

"I did not get home this morning till about six o'clock.

"I had no opportunity to say my say till a little before five. . . . . Dear Mamma sate up till I came home."

"Thursday (May 19th, 1825).

"I have had a most affectionate letter from that decided Protestant the Duchess Dowager of Rutland, and most loving inquiries and gratulations from the other Dowager Duchess, viz. of Richmond.

"Mamma had a little headache from her sitting up all night; but I think her amusement at the study window today, in seeing all the gay parties, going to where the grave senators were so anxious to secure their going that they would not let us have a second night's debate, (viz. to Epsom, to see the race called the Derby,) and in the evening coming home, will set all right.

"I had a very sound sleep last night from half-past nine

till about four this morning, which has quite removed the chilly and feverish affection, which sitting from ten on Tuesday morning in the House till five next morning (in the last twelve hours of that sitting the House was hotter than I ever knew it) had occasioned, and to-day I am quite stout."

"Friday (May 20th, 1825).

"We are now becoming composed after our triumph, which occasioned, on one side, great elevation of spirits, and, on the other, a degree of depression of spirits which converted the disappointed into the angry and violent. The friends of the Roman Catholics were weak enough to think that we should beat them by ten only — how they could so miscalculate, it is not very easy to conceive.

* * * * * *

"A Lord told me yesterday that, short and imperfect as was the *verbal* scrap I gave the House yesterday morning by daylight before we divided, (for the determination of the House to finish all in one night made nineteen-twenticths of my studies labour in vain, and made my sayings very short,) the people below the Bar were prevented, with some difficulty, from clapping hands, when I stated that I should retire to the Woolsack to pronounce the defeat of the measure to an anxious country."

"Saturday (May 21st, 1825).

"Mr. O'Connell pleaded as a Barrister before me in the House of Lords on Thursday; his demeanour was very proper, but he did not strike me as shining so much in argument as might be expected from a man who has made so much noise in his harangues in a seditious association.

"I dine with the Duke of York to-day, where the glorious 1688, and the glorious 48, will, I doubt not, be attended with due honours. The prints of the Duke's speech are issuing in large characters from every press in the country.

* * * * * *

"My holidays are not days of idleness. I have to attend the Chancery Commission to-day — the Privy Council on Monday — and on Tuesday a Cabinet. But there is great relief in variety of employment."

"Monday (May 23d, 1825).

"We had a most sumptuous and splendid set-out at the Duke of York's on Saturday — twenty-four rejoicing Protestants round the table — and such a magnificent show of plate as even eclipses the King's exhibition of that article, and, as it appears to me, eclipses all of the same article which all the monarchs of Europe have presented to the Duke of Wellington. We drank the 48, the year 1688, and the glorious and immortal memory of William III. — but without noise or riot.

"I saw the King yesterday, who is much better, and not a little relieved in point of anxiety by the vote on the Catholic question. So much for the present; but politics may possibly soon present some other troublesome matter, for it is in the nature of politics to be restless, and to furnish plague after plague."

"Wednesday (May 25th, 1825).

"I forgot to tell you yesterday that we have got a new favourite toast. Lady Warwick and Lady Braybrooke* (I think that is her name) would not let their husbands go to the House to vote for the Catholics: so we Protestants drink daily, as our favourite toast, 'The ladies who locked up their husbands.'

"My old foes, Mr. Denman and Mr. Williams, are also, on next Tuesday night, to attack the Chancery and the Chancellor. Wishing to live the rest of my time in the shade, I had rather be excused this annual attack; for, though I care not what they say of me as a political character, I am very nice and touchy about my judicial fame."

On Lord Holland's motion for the second reading, on the 26th May, of a bill for altering the law of attainder and corruption of blood,

The Chancellor opposed the measure, on account both of its principle and of the imperfection of its details. With respect to its principle, he thought, when it was considered how extensively ruinous the consequences of treason might be to the peace and very existence of families, there was no reason to complain if some portion of the punish-

* Lord Eldon was mistaken in supposing Lord Braybrooke to have been one of the two detained Pro-Catholics. Lord Braybrooke paired off — *against* the Relief Bill. — *Note to second edition.*

ment of a defeated treason were made to fall upon the families of those by whom it had been attempted. Should this bill go into Committee, he would propose that high treason should be omitted, and the alteration confined to petit treason and murder.

On a division, the bill was rejected, by 15 against 12.

Mr. Williams's attack upon the administration of the Court of Chancery was renewed in the House of Commons on the 31st of May. The substance of it is considered in the observations on Lord Eldon's judicial character toward the close of this work.

Severely as the Chancellor was galled by these attacks, he never allowed them to influence his judicial courtesy toward those members of the Bar by whom they were conducted or abetted. Mr. Williams, whose practice did not usually take him into the Court of Chancery, but who, on some new trial of an issue from his circuit, had occasion to make his appearance in that Court, could not help observing as he left Lincoln's Inn Hall, "Your Chancellor is an abundantly agreeable judge."

Extracts of Three Letters from Lord Eldon to Lady F. J. Bankes.

"Monday (May 30th, 1825).

"We had our Pitt Club dinner at the London Tavern on Saturday, in commemoration of the birth-day of the Right Hon. W. Pitt. The meeting was numerous—not many of the Ministers there, more shame for them, say I. There were Peel, Bathurst, Westmoreland, and myself, only, of that body. We had, however, a good many Lords and Commoners, among them Mr. Bankes, Sen. The company was quite uproarious, they were in such high spirits upon the Catholic defeat. They reconciled themselves to this conduct by recollecting that, though in 1801 Mr. Pitt was for the Catholics, he was so only if they would consent to securities

for the Church and State Protestant, which they would not. If they would, they would have no opposition now. Sir Edward Knatchbull was our chairman, and I seldom have seen a person in that situation conduct himself so admirably well. I have hardly ever heard a display of good sense, excellent temper, appropriate language, &c., which pleased me more. Their reception of your humble servant, as an attendant who had never once been absent from the anniversary, was very cordial indeed. Peel was much gratified by their reception of him."

"Friday (June 3rd, 1825).

"W. H. J.* seems in good spirits, but not quite well; and he is plagued by Mr. Hume's stating in the Commons his offices as worth nine or ten thousand a year. This, I think fidgets him a great deal, and retards progress somewhat. You know we are fidgetty in cases and circumstances which nobody but ourselves would care a farthing about. Now this same Scotchman cares not a farthing what he says. He gives out to the public that the Chancellor has, *as Chancellor*, 18,000*l.* a year, and W. H. J. 10,000*l.* The office of Chancellor is a little more than 9000*l.*; W. H. J.'s offices yield him towards 3000*l.* I should think; so that this Scotchman exceeds 13 or 14, by making them 28—and, when the accounts are produced to him, he says, with Scotch coolness, he shall not continue thinking upon a subject where he can't be useful, and so he leaves us to the credulity of an abused malicious world, to fare with it as we can.

"Lord Stowell called on Mamma on Wednesday, very kindly to express his hope that Williams and Co. had not on Tuesday disturbed my peace of mind, and sat with her awhile. They certainly did not; but now comes out another Scotchman at the Bar, of the name of Millar, who has abused the Chancellor black and blue; and this gentleman, who has made no progress yet in his profession, conceives himself at liberty to calumniate the highest judge to the utmost of his power also. But, thank God, I am well in health, and in mind I grow more easy and callous."

* Mr. W. H. J. Scott, Lord Eldon's son.

"My dearest Fan, "Saturday (June 4th, 1825).

"I enter my 74th* year to-day, and, with God's blessing, in a state of good health and much strength. If I wish myself, as I know Fan will wish me, many happy new years, it is for the sake of my dearly beloved family that I entertain that wish. No man can look back upon so long a period of the life of a being that has so much of frailty in his nature as man has, without feeling that he has much to pray that a kind Heaven may forgive. Intentionally I have not erred, I trust, in conduct through life hitherto—in what remains of it, may Heaven protect and guide me!

"The Commons behaved well to the judges on Thursday night, increasing their salaries and their retiring pensions. To the Duke of Cumberland, I hear, they manifested a cruelly unrelenting hatred, in their debates, and in a vote in which he had a small, very small majority. The King had many, as I hear, members of the House of Commons at Windsor, who come to town too late after dinner. This may be very attentive to the Duke's Royal brother, but it has wofully bad effects; because, first, it loses the Duke the support of votes; and because, secondly, it makes people believe that the King don't wish that the thing should take effect, which he desired by his Message to the two Houses of Parliament should be done. And thus one brother loses what he ought to have in point of revenue—and the other gains what he ought not to acquire, the reputation of indifference, if not of insincerity. This I lament much, because my own perfect conviction is, that a kinder-hearted man than the King in general is, or a more sincere person about any object than he has been about this, cannot be, and therefore I grieve that arrangement and management should be so very incautious, and that the consequences of it should defeat what *one* so much wants, and *the other*, I really believe, so much wishes. But so the world goes on!

"The Unitarian Bill came on in the House of Lords last night. Both Archbishops, the Bishop of London, the Bishop of Bath and Wells, the Bishop of Exeter, the Bishop of Norwich, voted for it. Shameful, surely! However, we

* 75th.

threw out the bill, 56 to 50. It would have been about 100 to 50, if we had divided upon the third reading instead of the second; but our good orthodox friends were absent — most at Ascot — so that how a horse runs is much more important than how the Church fares."

The Chancellor's speech in opposition to the Unitarian Marriages' Bill, which he mentions in the foregoing letter, proceeded on the same grounds as his speech against a similar bill in the preceding Session.*

The Chancery Commission was continuing its investigations: but it did not proceed fast enough to satisfy the Opposition; and on the 7th of June, a motion was made in the House of Commons by Sir F. Burdett, that the evidence, as far as it had then been taken, should be laid before the House. This motion was very successfully resisted by Sir R. Peel. In truth, the great extent and variety of the matters into which the Commission had been appointed to inquire made it impossible that any satisfactory report should, by that time, have been completed; and the House, being of this opinion, refused the motion by a majority of 154 against 73.

The Judges Salaries' Bill, 6 Geo. 4. c. 84., was the subject of some discussion in the House of Lords, both on its second reading, 22nd June, when Lord Eldon spoke in support of its principle, and on its third reading, 27th June, when he vindicated himself against some invidious allusions made by Lord Grosvenor to the emoluments of the Chancellor. On the latter occasion he said,

"He had ground to complain of the misrepresentations and calumnies which had gone forth respecting the emoluments of his office, after the real amount of its profits had

* See Chap. XLVI.

been already given in accounts before the House of Commons. Perhaps it was thought that this mode of calumnious misrepresentation was the way to get him out of office; they were mistaken who thought so; he would not yield to such aspersions, nor shrink from asserting what he owed to himself. Had he been treated with common justice, he should not now, perhaps, have remained Lord Chancellor; but he would not be driven from his office by calumnious attack. The reason why, in the present bill, there was no clause regulating offices in the Court of Chancery was, that a Commission was now sitting on the state of that Court. — The feelings and fate of an individual were in themselves of small importance to the public; and he who now addressed their Lordships might be sacrificed to the insults which he was daily receiving; but he begged Noble Lords to reflect, that he might not be the only sacrifice. If the object was, as it appeared to be, to pull down the reputation, and to throw discredit on the motives and conduct, of men in high official situations, — if every man who occupied an eminent station in the Church or the State was to become the object of slander, — then their Lordships might rest convinced, that their privileges as Peers could not be long respected."

The bill was then read a third time.

Parliament having been prorogued on the 6th of July, in a Royal Speech delivered by the Lord Chancellor, he indulged in the gaiety of giving a political dinner not confined to the Cabinet. The following is the account of it, written by him to Lord Encombe:—

"My dear John, "Sunday evening (July 24th, 1825).

"Many thanks again for your affectionate letter.

"We had our company yesterday. The Duke of York, as our good fortune would have it, came in good time — a little before eight. He set out for Brighton when he left us, and seemed to have enjoyed his repast very much. The Duke of Wellington, I am sorry to say, seemed much more unwell than any grateful Englishman, whose heart is in the right place, can be contented to see him. He was, however, in reasonably good spirits. My old friend, Lord Chatham,

poor Pitt's brother, has come for a season from his government of Gibraltar, and dined with me. Years have bent him much; and time has made him, who was once a very fine-looking man in face and person, no longer, as to the latter, upright and straight as an arrow, and in countenance it has left him certainly fine remains of what he was, but only remains. I always thought him as able a man, in point of intellect, as his brother, the Minister: but, being the first-born of their illustrious father, and the inheritor of his honours, &c., as it too often happens with persons in similar circumstances, his understanding and talents had not been as assiduously cultivated as those of William Pitt. Westmoreland, Clarendon, Shaftesbury, Peel, Croker, and the Solicitor-general, made the party. The Duke of Rutland, Marquis of Hertford, Lauderdale, &c. &c., we lost by alteration of the day. I showed off your table and books * as much as Christie, Robins, or the most eloquent of our auctioneers could have done; and your taste, as to these articles, was much admired.

"As I write merely to give you an account of the above matters, for this time I add only, God bless you.

"Mamma joins in all affectionate regards to Mrs. Farrer and to you, dear John, with

"Your ever affectionate

"ELDON."

Lord Eldon to Rev. Henry John Ridley.

"Dear Henry John, "October 15th, 1825.

"Your letter, with the painful intelligence it contains †, reached us here last night.

"When I look back to the years that are past, and find myself in a world which so many of the dear companions of my youth have left, and, finally, when it has pleased God to take to himself my last departed friend, I am not sufficiently master of my feelings to address you and the afflicted at Hertingfordbury as I ought. At my advanced age, the time cannot be far distant when my mansion must also be an house of mourning. God's will be done! and may my latter end be

* See letter of March 19th, 1824, and note.

† The death of his father, Dr. Ridley.

like that of him who is no more, an end demonstrating, in the true spirit and feeling of a Christian, entire submission to that will!

"Experience has taught me and convinced me, Henry John, that on melancholy occasions of the nature of that which has now taken place, there is little consolation to be found, but in submission to the will of God. The little that can be supplied by the sympathy and love of friends, it is their duty, and cannot but be their inclination, to supply—would it were more ample than it can be! To the extent in which it can be supplied from us, pour it into the cup of your dear mother and sister, and receive it yourself.

"With the love of your aunt and myself to you all, I remain, very affectionately yours, "ELDON."

There appears, in the Commons' Journals, 30th June 1825, an order,

"That there be laid before this House a list of all causes "that have been heard by the Lord Chancellor during the "last eighteen years, wherein judgment has not yet been "given, specifying the time when heard; comprising all "petitions in cases of bankruptcy, already heard but not "decided."

This order, moved by Sir Francis Burdett, was passed without a word of observation. When it became known to the Chancellor, he was much displeased at the implied censure, and some correspondence took place respecting it between him and Lord Liverpool. Lord Eldon, continuing to be very uneasy on this head, revived that correspondence in November, by a letter, of which a corrected draft has been found in his handwriting. This draft is as follows:—

"Dear Lord Liverpool,

"In our little correspondence during the vacation, you advised me not to trouble myself about Sir Francis Burdett's motion. I can most sincerely assure you that I feel the greatest

uneasiness on account of the trouble which my colleagues and friends endure on my account. If your Lordship recollects for how many sessions I have been assailed in the House of Commons, and looks to the effect, as I know it, of its proceedings upon the business of the Court and upon the minds of the public, you may make some estimate of their effect upon myself. If that motion, as made in the last Session, is to command obedience from the Officers of my Court, that obedience must either be paid to it, or the order must be rescinded: if the order is to be considered as falling at the close of the Session, and is to be renewed by Sir F. B., with the concurrence of the House, obedience must then be given to it. Now, my dear Lord, allow me to say, with perfect kind feeling, that I cannot reconcile it to any notions which I can form of my duty to the public, to sit at the head of one high court of justice in the kingdom, if I either continue to be, or am again, placed in such circumstances as that order placed me in, or a renewal of it will place me in. It is impossible to consider it otherwise than as a resolution accusatory in its nature, and meant to be, if the result of the inquiry will authorise it, the foundation of a positive and express accusation. If this be so, how can I, with honour, continue to preside in the Court in which I sit, prejudiced and damaged in public opinion, by a vote of the House of Commons, unopposed by any individual in it? Or how can I continue to sit in that Court, with all the subordinate officers employed in collecting the materials, under an order of the House of Commons, for an accusation against the person at the head of the Court, aided by the bitterness of every solicitor or counsel whose conduct I have had occasion to reprehend? As to the abuse of the public prints, the licentiousness of which, against the judges of the land and Chancellor, appears to me, as to all matters, sanctioned by the sufferance which is given to it—and the correspondence which this vote of the House of Commons brings to me every day from every part of the kingdom, more blameable than the licentious press, if possible, —I repeat that they would rather provoke me to remain in office, if permitted, than to think of quitting it. But, my Lord, I find myself placed in *my Court* by this proceeding

in a state in which it is unfit that a Chancellor should be placed; and, with respect to the public, I fear I am doing very wrong, in letting down the dignity and respect due, not to me, but to the Chancellor, who holds an office which should be filled with a person respected by the public, and protected, if he deserves so to be, against resolutions which clearly mean to impute, or to lay the grounds of imputation against him. I do assure your Lordship that I have every feeling of good-will and kind regard towards every individual with whom I am associated as a servant of his Majesty; and I trust I need not mention what are my feelings towards yourself,—but to all of them and to you I owe it as a duty to take care that the abuse thrown upon me daily should not, through me, affect their and your utility. What obedience to that vote might furnish, of information with respect to my conduct, I know not,—but if it furnished all that I could wish, the mischief that must be done before its result could be known is incalculably great. That in the course of eighteen years, for such is the period to which this vote refers, I cannot doubt (I cannot, however, but hope that they may be such as my general conduct in office might atone for) that there may be many things represented as omissions of duty during eighteen years which are not such, but which it is impossible to find the means at this day of satisfactorily accounting for, must be obvious: I cannot doubt that the multiplicity of my engagements may have led to omission and neglect as to some of them.

"Under these circumstances, my dear Lord, I wish very much to know, and to know *now*, whether the motion of Sir F. B., if it does not require renewal, is to be attempted to be discharged by Government by any proceeding when the House meets; or, if it does require renewal, whether it is then to be suffered to be renewed, without opposition on the part of Government. My object, in seeking this now, is, that I may so apply myself (without engaging further than I *must* in new business) to what is depending, as to be able to retire about the time of Parliament's meeting, if the King will graciously please to dismiss me, and not then to leave causes which have been heard to be either heard over again,

or the judgments of a retired Chancellor to be given in fact though not in form, as I myself have formerly assisted in acting for a retired Chancellor. I know well that Sir F.'s motion was passed (at least I sincerely so believe) without, on the part of Government or its friends, any ill-will, I can almost say without any positive inattention, to me, but by actual surprise. The effects, however, the evil effects of it, are very great—as great as if the causes of it were different,—and many have been the mortifying inquiries made of me, by those who do not know how this happened,—how I account for not having, as they supposed, one person in the House of Commons to say one word against such a proceeding; for of the fact that this was effected by surprise *the public* cannot be conusant. If out of office, I can't take the situation of Deputy Speaker of the House of Lords—but I should attend the Scotch causes, and I might be voted into the Chair as a Peer.

"I am, my dear Lord,

"Most sincerely your attached friend and servant,

"ELDON."

The following are extracts from Lord Liverpool's answer on the subject of the obnoxious motion:—

"It was made without notice, on the 30th of June, one of the very last days of the sitting of the House of Commons, in the absence of *all* the Ministers and of the Law Officers of the Crown. The motion has, however, certainly *dropped* with the Session. It must be renewed to have any force; and, considering how it was carried, you are, I think, perfectly justified in waiting for its renewal, before you act upon it.

"Mr. Peel assures me that he would have opposed it, if he had been in the House, and that he will be prepared to oppose the renewal of it, if it is again brought forward in the beginning of the next Session. But in order to make it *possible* for him to carry his intention into effect, the report of the Commission of Inquiry as to the Court of Chancery must be ready, and be laid before Parliament immediately upon its meeting.

"In saying this, I am not giving you Mr. Peel's opinion *only*. Some time before I received your letter I was urged by others, well acquainted with the House of Commons, to take measures for securing the production of this report, as the point upon which would turn all the difficulties or facilities of the next and last Session of the Parliament.

"Let me entreat you, therefore, to spare no effort for the completion of this report without further delay. It is really become a question of vital importance, and there is *no inconvenience* that ought not to be incurred for the attainment of this object.

"Independent of the complaint of *neglect*, and of the *suspicion* which the very delay in making the report occasions, the report is really necessary, in order to enable Ministers in the House of Commons to resist effectually the unjustifiable attacks daily made upon the Court of Chancery.

"The business of that Court is not like other business, of which every person may be supposed to have, or may easily acquire, at least a superficial knowledge. Except persons engaged in the profession of the Law, all others are wholly ignorant of what relates to Chancery; they do not even know where, or how, to obtain information.

"The report would not only speak with more or less of authority to the House, but it would inform your friends, and would furnish them with a *text* upon which they could defend you.

"I hope I do not appear to press this matter with too much importunity, but I am so *deeply sensible* of its importance, that I should not do my duty if I did not urge it in the strongest manner.

"Let us but have the report, and all other difficulties may be fairly encountered; but, without that, no person (in the present heated state of the public mind upon the subject) can answer for the consequence.

"Believe me to be, with sincere regard,

"My dear Lord,

"Very faithfully yours,

"Nov. 16th, 1825." "LIVERPOOL."

CHAPTER XLVIII.

1826.

HOUSE OF LORDS: SLAVERY: LOCAL NOTES.—CHANCERY ARREARS.—CORN LAWS. — LETTERS OF LORD ELDON TO THE REV. MATTHEW SURTEES AND TO LADY F. J. BANKES. — CHANCERY COMMISSION: PROPOSALS ARISING OUT OF IT: LETTERS OF MR. ROBINSON, LORD LIVERPOOL, AND MR. PEEL. — DEATH OF LORD GIFFORD: LETTERS RESPECTING THE ARRANGEMENTS CONSEQUENT UPON IT, FROM LORD LIVERPOOL AND MR. PEEL TO LORD ELDON, AND FROM LORD ELDON TO LADY F. J. BANKES.

THE Session of Parliament being opened by Commission on the 2nd of February 1826, the place of the Lord Chancellor, who was absent through indisposition, was supplied by Lord Gifford.

On the 7th of March, the House of Lords adopted, at the instance of the Government, the resolutions which had been passed by the House of Commons on the 15th of May 1823, for abolishing slavery at the earliest period "compatible with the well-being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property."

The Chancellor supported the resolutions, questioning, however, the broad assertions that the state of slavery was contrary to the genius of the British Constitution, and to the spirit of the Christian religion. He did not anticipate opposition on the part of the colonial legislatures; if any obstacle should be thrown in the way, it would be for the wisdom of a British Parliament to consider what was the course to be adopted for the benefit of the slaves, consistently with the

security of the colonies and the interests of those who had embarked their property under the sanction and encouragement of the British Legislature. He would conclude by repeating his hearty concurrence in the motion.

In a discussion upon country bank-notes, on the 25th of April, some question arose about the circulation upon the borders of Scotland.

The Chancellor jocularly confessed that he saw some difficulty in legislating for the places between Yorkshire and the borders; for as the notes in question were Scotch, it would be in their very nature to travel South.

A petition presented to the House of Commons on the 18th of April, from a person confined for a contempt of the Court of Chancery, was made an opportunity for attacking the Court and the Chancellor. Mr. Hume declared that the greatest curse which ever fell on any nation was to have such a Court and a Judge who perpetuated such a system. Similar language was held in the same place on the 21st, when the petition of another complainant was brought up. The Chancellor, however, was now become so far familiar with these annoyances as to endure them with considerable good humour.

Lord Eldon to Lord Encombe.—(Extract.)

"Monday, (May 8th 1826).

"We have fine bustling work in Parliament. * * * * To-morrow, I understand, they are to have the Chancellor and his Court (as our North Country phrase is) *over the coals*. You see Mr. Hume called your grandfather *a curse to the country*. He dignified also the quietest, meekest man in the country with the title of *a firebrand*, i. e. the Bishop of London. I met the Bishop at the Exhibition*, and as it happened to be

* Dr. Howley, now Archbishop of Canterbury, — at the Academy dinner.

an uncommonly cold day, in this most unusually cold weather, I told him that *the curse of the country* was so very cold that I hoped he would allow him to keep himself warm by sitting next to *the firebrand;* and so we laughed, and amused ourselves with this fellow's impertinence."

Meanwhile the Chancery Commissioners had produced their Report, dated the 28th of February 1826; respecting which Mr. Peel lost no time in addressing the Chancellor.

Mr. Peel to Lord Eldon.—(Extract.)

"March 6th, 1826.

"I have spoken to the Attorney-General on the subject of the Report, and entreated him, as the first Law Officer of the Crown in the House of Commons, to take into his own hands any measures which may necessarily grow out of the Report, should it be fitting for those measures to originate in the House of Commons."

In compliance with that wish of Sir R. Peel, the then Attorney-General (Sir John Copley, now Lord Chancellor Lyndhurst,) addressed his mind so promptly to the subject, that by the 18th of May he had digested a plan, which on that day he opened to the House of Commons in a lucid speech, introductory of a bill to regulate the practice of the Court of Chancery. The lateness of the season, however, and the probability that a considerable pecuniary grant would be wanted for making good the compensations and other arrangements involved in the bill, impeded its progress, and the matter was put off to the following Session.*

Much distress having for some time prevailed in the manufacturing districts of the North, and there being at Hull, Liverpool, and other ports, several hundred thousand quarters of bonded wheat, which,

* See Feb. 27th, 1827.

under the existing law, could not enter the market, the Ministers introduced two bills*; one for enabling the bonded corn to come into consumption, and the other, for investing the Government with a discretionary power, during the approaching recess, to admit the importation of foreign corn at a fixed duty. The second reading of these bills in the House of Lords became a subject of discussion on the 23rd of May, when the chief objection was directed against the latter of them.

The Chancellor declared himself firmly convinced, that every other interest which entered into the constitution of the country, that the manufacturing, the commercial, the professional interests, rested so strongly on the agricultural interest, that Parliament would do infinite mischief to every rank and class in the community, if they did not carefully foster the interests of agriculture. But he could by no means look on the measures under consideration as correctly represented, when they were described as affecting, or leading to any important change in, the system of laws which governed our trade in corn.—The chief measure, to which objection was made, seemed to him to be so founded on constitutional principles, that he hoped their Lordships would allow him to say a few words respecting it. No man could feel more strongly than he did the inexpediency, on the part of his Majesty's Government, of committing any act of power against the law. Yet, sure he was, that circumstances might arise, in which it would be absolutely necessary, for the salvation of the country, that his Majesty's Government *should* commit an act of power against the law, provided always, that they were warranted by necessity in so doing. In fact, the constitutional doctrine seemed to him to be this; if a case could be foreseen, in which it would be necessary to commit an act of power in violation of the law, it was their duty to remove the objectionable part of that act,

* 7 Geo. 4. c. 70. and 71.

by divesting it of its illegality. But even that proposition ought to be limited; for his Majesty's Government ought, in no case, to apply for such a measure in advance, if it was probable that more mischief would result to the public from the application, than from waiting until the necessity for the act should arrive. The bill before them was a bill to enable his Majesty, by an order in council, to do certain acts therein mentioned. But it did not take away the obligation on his Majesty's Government to abstain from such acts, unless on the spur of an urgent necessity. It only authorised them to do such acts as his Majesty ought to be, and would be, advised to do, if Parliament had not interfered at all on the subject. There was one point on which he wished to be clearly understood; namely, that the proposed law had not, and could not have, any connexion whatever with any measure affecting the existing system of the Corn Laws. If, either directly or indirectly, it had that tendency, nothing on earth should induce him to vote for it; for he looked upon the maintenance of the landed interest as a question not affecting A, or B, or C, but affecting in substance and effect the whole constitution of the country. Suppose the bill did not pass, was there a single member of his Majesty's Government, who, if a necessity should arise for committing an act even against the law, would hesitate to advise the commission of that act? And would such a step tend, in any way, to affect the system of the Corn Laws? Yet, that was only what the bill rendered it legal to do. If the measure pledged that House, or any man in that House, to any alteration unfavourable to the Corn Laws, he would be the last man to stand up as its advocate.

The Session was closed by Commission on the 31st of May; and the King's Speech, which was delivered by the Lord Chancellor, announced the dissolution of the Parliament.

The letter from which the following extracts are given is without date, but appears to have been written during, or on the eve of, the general election.

Lord Eldon to the Rev. Matthew Surtees.—(Extract.)

"Friday (probably June 1826).

"Fame, upon such a subject as who is to be a Chancellor's successor, is not at all to be trusted to—not in the least. The slightest change in a Cabinet—the most trifling change in the views of an Administration—the introduction of a new component part of it—a hundred other matters, apparently the most trifling as to any possible consequences—may overset the most apparently well-founded expectations.

"I dare say I have myself been twenty times within an hour, or a day, of being out of office. The partiality of two Sovereigns has kept me in it, when nothing else could.

Nobody wishes G. (Gifford) better than I do. On such subjects as your letter relates to, we often converse. I suspect we are both aware that, upon this subject, there are wheels within wheels at work. I believe he well knows my opinion as to what should happen; but it is a rule, and a very proper one, that an outgoing Chancellor should not be allowed to have any thing to say as to who should succeed him—and in truth, the circumstances of the moment, when a vacancy takes place, must decide *that*. Before that moment, as to such a matter, there ever will be absolute uncertainty."

Extracts of two Letters from Lord Eldon to Lady F. J. Bankes.

(August, 1826.)

"Many thanks for your letters. They bring absent persons, in a sense, into each other's society, and that is a blessing, when it takes place between persons bearing strong affection to each other. It is, therefore, that though every scrap one can write is but a scrap of repetition, yet I like to write it, and I know you like to receive it.

* * * * * *

"I have worn out my Counsel pretty completely. They seem all as tired as a pack of hounds at the end of a long chase, whilst I remain, like a well-disciplined and well-trained huntsman, not the least fatigued with the labour of keeping up with them. They wish, perhaps, to make the world think that I put an end to business. I heartily wish it was

at an end—but I had rather that the world should believe that the cessation of work is their doing."

(Probably 1826.)

"The Bishop (of Norwich) is a very agreeable man, and always talks delightfully about you. If the days of Popery should return, we will vote him into the Papal chair."

Meanwhile the Ministers had been actively attending to the subject of the Chancery Commission. On the 21st of August, Mr. Courtenay (now Earl of Devon), who was then a Master in Chancery and a leading member of the Commission, addressed a letter respecting the necessary steps to the Lord Chancellor, who lost no time in circulating it among his colleagues of the Cabinet; and the earnestness with which they gave their attention to the matter will be seen from the letters which passed among them.

Mr. Robinson to Mr. Peel.†*

"My dear Peel, "August 26th, 1826.

"I return you Courtenay's letter. I am satisfied that we shall be involved in inextricable difficulties, and much public mischief will follow, if we have nothing to propose next Session upon the subject of Chancery; and, if the satisfactory arrangement of that something depends upon the readiness of the Treasury to find pecuniary means, the means must be found."

Mr. Robinson's letter then proceeded to suggest that these means might be provided out of the Suitors' Fund.

Lord Liverpool to Mr. Peel.

"My dear Peel, "Fife House, Sept. 2nd, 1826.

"I return the enclosed papers, and I can entertain no doubt that it is our duty, at the very earliest practicable period of the next Session of Parliament, to bring in measures

* Then Chancellor of the Exchequer, now Earl of Ripon.

† Then Secretary for the Home Department.

for giving effect to the recommendations of the Chancery Commissioners.

"There may, undoubtedly, be points on which there may be difference of opinion; but, in all cases where we have not the most clear and satisfactory reasons to urge against the opinion of the Commissioners, we ought in this, as we have done in other Commissions, to assume that the Commissioners are right.

"Indeed the value of such Commissions is, that they are a mode of bringing points of difference to a decision, which are never likely to be decided in any other way.

"With respect to the necessary funds:—it will be the duty of the Chancellor of the Exchequer, and of myself, to propose to Parliament whatever may be requisite for any just and equitable purpose. Judging from the past I do not think there would be any disposition in Parliament to be illiberal on this head; but, if we should be mistaken, let the blame then lay with Parliament, and do not let us bring it upon ourselves. "Believe me, &c.

"LIVERPOOL.

"P. S. I think Robinson's suggestions very well worthy of consideration."

Mr. Peel to the Chancellor.

"My dear Chancellor, "Whitehall, Sept. 7th, 1826.

"I sent to Lord Liverpool and the Chancellor of the Exchequer the letter which was addressed to you by Courtenay, and which you sent to me.

"I begged their immediate consideration of that part of Courtenay's letter in particular, which referred to the expense which the adoption of some of the recommendations of the Chancery Commission might entail.

"Enclosed are copies of the answers which I received from them. They intimate a readiness on their part to provide the pecuniary means of giving effect to the report of the Commission.

"You will perceive that Robinson suggests that the Suitors' Fund might possibly, without injustice, be drawn upon—but should there be valid objections to the appropri-

ation of that fund to the purposes in question, neither he nor Lord Liverpool would, I am confident, object to propose to Parliament to make the necessary provision out of the public funds.

"The enclosed letters appear to me to give full authority to proceed in making such arrangements as can be made without the intervention of Parliament's authority; of course I mean so far as considerations of expense are concerned.

"Believe me ever,

"My dear Chancellor,

"With true esteem and regard,

"Most faithfully yours,

"ROBERT PEEL."

About this time Lord Eldon's favourable disposition toward Lord Gifford appears to have influenced him in resuming his design of retirement. Contemplating and approving him as the probable successor to the Great Seal, though of course (for the reasons mentioned in his foregoing letter to Mr. Surtees) unable absolutely to secure the succession, he thought he could now give way to his growing desire for a release from the long labours of official life. But his views were not destined to be realised; for early in the September of this year, 1826, a short illness terminated the life of Lord Gifford.

Lord Liverpool to Lord Eldon.

"My dear Lord, "Coombe Wood, Sept. 5th, 1826.

"You will of course have heard the melancholy and unexpected death of Lord Gifford. He is a very great loss at this time, both public and private. I send you the accounts which I have received of his illness, which I will be obliged to you to return when I see you.

"I shall be in town to-morrow morning: may I request of you to call upon me either at one or two o'clock, as may best suit, or, if anything should detain you at home, I would come to you in Hamilton Place.

"I promise you that I will speak to no one upon the *consequences* till I have seen you. Having, however, received by the attention of my friend Mr. Latham of Dover, an account yesterday of Lord Gifford's extreme danger, it was impossible I should not turn in my mind, during the night, what was to arise if we were so unfortunate as to lose him.

"I confess to you the present inclination of my mind is, that the Attorney-General* should be *made* to accept the Mastership of the Rolls. He has no competitor at the Bar, at least on *our side*, nor any on the Bench, who can compete with him in the highest honours of the profession. Indeed I know not what else can be done which would not increase all prospective difficulties to an immense degree.

"Do not return any answer to this letter, or at least to this suggestion; but turn it well over in your mind, and let us talk of it when we meet to-morrow.

"Believe me to be, my dear Lord,

"Very sincerely yours,

"LIVERPOOL."

It will be seen from the next letters that the Chancellor, under the alteration of circumstances occasioned by the death of Lord Gifford, had consented to postpone his often-recurring intention of retirement.

Mr. Peel to the Lord Chancellor.—(Extract.)

"My dear Chancellor, "Drayton Manor, Sept. 10th, 1826.

"I am confident that, on every account, public and private, you have determined wisely in not now pressing your resignation. By private account, I mean that you have consulted what is due not to your ease, but to your high and unblemished character, by consenting for a time to give to the public the continued benefit of your knowledge and experience, rather than subject them to the inconvenience of having two new Equity Judges at the same time.

* * * * * *

"Supposing Copley to accept the Rolls, what must be done as to the Attorney and Solicitorship General? Any-

* Sir John Copley, now Lord Chancellor Lyndhurst.

thing which you may write to me on that head I will, if you shall wish it, consider most strictly confidential. Believe me, my dear Chancellor, no man, whose good opinion you value, will hear of your continuance in office with any other feelings than those of satisfaction.

"I doubt whether under present circumstances you could overcome the King's reluctance to lose your invaluable services—I really doubt whether he would accept the Seals from your hands.

"Believe me ever, my dear Chancellor,

"with sincere esteem and personal regard and affection,

"Your faithful friend,

"ROBERT PEEL."

Lord Eldon to Lady F. J. Bankes.—(Extract.)

(About Sept. 11th, 1826.)

"Copley is to be the new Master of the Rolls. He has accepted. Upon this occasion, as I thought it more for the public interest, and certainly for my comfort and happiness, that they should attempt a general and permanent arrangement of the Law Offices, instead of making appointments from time to time as vacancies happen, I have *strongly* and *repeatedly* pressed for my own retirement *now* from the labours I undergo; but, notwithstanding all my efforts, I am unable to succeed, and, abused and calumniated as I have been, they are puzzled how to supply my place, if they let me go. So I suppose I must wait awhile longer.

"I am going this morning to attend poor Gifford's funeral. What a distressing loss to his family!"

CHAPTER XLIX.

1826, 1827.

ANTAGONIST PRINCIPLES IN THE CABINET: EXTRACT FROM COBBETT. — MAJORITY OF LORD ENCOMBE: LETTERS TO HIM FROM LORD ELDON. — DUKE OF YORK'S DEATH: LORD ELDON'S REMINISCENCES OF HIM. — FATAL ILLNESS OF LORD LIVERPOOL: LETTERS FROM LORD ELDON TO LADY F. J. BANKES AND LORD ENCOMBE. — CATHOLIC QUESTION. — PROFITS AND ARREARS OF THE GREAT SEAL: BILL TO REMODEL CHANCERY PRACTICE. — POLITICAL CHARACTER OF LORD LIVERPOOL. — NEGOTIATIONS FOR THE FORMATION OF A NEW MINISTRY: LETTERS FROM MR. PEEL TO LORD ELDON. — CONSTRUCTION OF MR. CANNING'S GOVERNMENT: LETTERS FROM LORD ELDON TO LADY F. J. BANKES: EXPLANATIONS OF THE RETIRING MINISTERS: LETTERS CONNECTED WITH LORD ELDON'S RETIREMENT ADDRESSED TO LORD ENCOMBE BY LORD ELDON, LADY E. REPTON, AND MR. FARRER, AND TO LADY F. J. BANKES BY LORD ELDON: HIS ANSWER TO THE FAREWELL ADDRESS OF THE MASTERS IN CHANCERY. — ANECDOTES OF HIS CHANCELLORSHIP PRESERVED BY HIMSELF AND SEVERAL OF HIS FRIENDS.

THE Session of 1826-7 was destined to terminate the official, though not the public, life of Lord Eldon. George the Fourth, in person, opened the new Parliament, on the 21st of November 1826. During the remainder of that year there occurred, in the House of Lords, no debate in which Lord Eldon took a prominent part. But a speech was delivered by Mr. Canning in the House of Commons, on the 12th of December, which tended materially to widen the differences of opinion subsisting between certain sections of the Cabinet. Calling upon Parliament to

uphold Portugal against aggression from Spain, Mr. Canning delivered himself in terms, of which the warmth and eloquence were regarded by the Tories as amounting to a demonstration in favour of liberalism. The occasion was seized by the enemies of the Administration for sowing dissension among its members. Mr. Cobbett, then one of the most popular of the periodical writers, was peculiarly active and pertinacious in this endeavour. Among other invectives directed by him against Mr. Canning in his "Weekly Register," the following passage occurs, in the number published on the 30th of December 1826.

"If the Chancellor be sound, wind and limb, and thus continue (as I am told he is likely to do) for several years longer, he will beat you, and every other enterprising free-trader, whatever may be the quantum of noise that nature has enabled him to make with his tongue. The Lord Chancellor, and his brother still less, is not a great talker; they are none of Cornelius Agrippa's men*; they never shone much in the art of haranguing; but they have had three-fourths of the governing of this country in their hands for a great many years; and while the Chancellor has the full confidence of a very great majority of the noblemen and gentlemen, he has at his back, sticking to him everlastingly, that body called *the Church*, of which you, great talker as you are, appear to think so little."

Lord Encombe, on Sunday, the 10th of December 1826, which was the day of his majority, received from his grandfather a letter of which the following is an extract:—

"My dear John, "Friday evening.

"Thanks for your letter. If I mistake not, Sunday is your birthday, at an important period of your life. May

* The motto to this number of the "Register" is quoted from Cornelius Agrippa, ch. vi.

Heaven grant you, dear John, many, many happy returns of that day; and in the rational hope I entertain, founded on what is past, I trust that in so many of the returning years, in which Lady Eldon, I, and you shall all exist, that we shall be engaged in a struggle which of us can most contribute to the happiness of the others of us. I trust I shall meet with the fullest persuasion on your part that we shall feel it to contribute largely to our happiness to add to yours. And I should feel it, reflecting upon the past, but an act of justice to you, to express our conviction that it will contribute largely to your happiness to add to ours. May God bless you, dear John, is the often-offered-up prayer of both of us.

"I need not tell you that we shall be most happy to see you upon your return here.

"Lady Eldon sends her warmest love. Accept mine, and believe me,

"Ever your most affectionate, "ELDON."

Lord Eldon to Lord Encombe.—(Extract.)

"My dear John, "January 2nd, 1827.

"Though the first day of the year is gone by, it passed not away without affectionate remembrances of you. I express them again on Mamma's* behalf and my own, in telling you that we, most heartily and cordially, wish you many, a great many returns of happy new years in the enjoyment of health, and all other blessings.

"Mamma is as she was. If I had my gun in my hand, accompanied with Bill and Co. at Encombe, I should defy the gout's preventing me to-day exhibiting the ardour and vigour that I could have displayed half a century ago in the field. It is wiser, Pennington would say, to sit musing over the authors and the papers; so, as a prudent one, I am hunting for amusement and sport in the volumes and pages of the publications of the day, and of the days of yore—of the modern and the olden times.

"I have now reached, in 1827, a good old age, with

* Lady Eldon.

strength of body and mind yet remaining, for which I ought to bless God, as I trust I do bless God. To you, my dear John, at twenty-one, let me say what I am sure you will remember, that, at the advanced period of life to which I have arrived, the sincerest, the sweetest pleasure I can enjoy is the recollection of that part of life, which may be said to have been "bene acta;" and the greatest happiness I look for here is what I may derive from your good conduct, and that of the other members of my family. In the beginning of the year 1827, accept my thanks for your good conduct in the years that are no more.

"The poor Duke of York still exists, contrary to what medical men said, as long ago as Sunday last, could be the case. My account last night, from Arlington House*, intimated, that his constitution was still so strong, that his existence might endure for some days. His resignation, his composure, the fortitude with which he bears his present state, are very, very great. Now his death is certain, there is an universal gloom, I understand, every where in this town, very striking. His death must affect every man's political situation,—perhaps nobody's more than my own. It may shorten, it may prolong my stay in office. The 'Morning Chronicle' has, I hear, advertised my resignation."

The Duke's death, anticipated in the foregoing letter, took place on the 5th of January. The Anecdote Book has the following reminiscences of him:—

"I saw a great deal of his Royal Highness in some weeks preceding his death; and his anxiety upon the subject of the Catholic question occupied, and indeed engrossed, as far as I could judge, the whole of his thoughts. He particularly lamented that so many of the great nobility of this kingdom, naming some with whom he was very intimate, though possessed of such excellent dispositions and qualities, would not make themselves men of business, and he appeared

* The Duke of York's abode during his last illness.

to think, that this circumstance was, with reference to the result of the Catholic question, or might be, exceedingly detrimental to the great cause on which he thought the civil and religious liberties of this country so mainly depended."

"His death occasioned an irreparable loss to the nation. His own personal example, as to great political questions, would have done much for the country. He had, moreover, great influence with his Majesty; he showed me a correspondence he had had with his Majesty upon political questions, and the proper persons to be continued or to be appointed his Ministers, in which, as well as I could judge, his judgment was much governed by what had been, and what he thought would be, the conduct of each person as to the Catholic claims. This was shown to me shortly before his death; and very shortly before his death he predicted that change of Ministry which soon after his death took place. I firmly believe that that change would not have taken place if he had lived; we never shall look upon his like again. His existence appeared to me to be essential to the effectually counteracting that influence, which soon after his death prevailed, to place at the head of the Administration the great advocate in the House of Commons of the Roman Catholic claims, to whom the greatest aversion had been often expressed in the highest place, and to continue that advocate in that station, although it was found necessary to his support in it that he should have the aid of all those, whose principles, save with respect to that question, he had been combating in youth and in manhood, as an anti-jacobin, and an anti-radical; till, within

a short period before his advancement, he had been, as some thought, obviously and apparently courting them in debates."

Mrs. Forster has preserved a story of the Duke of York in a more mirthful vein. It was thus related to her by Lord Eldon:—"I dined once with the Duke, when I and another were the only guests not connected with the army. One of the party was the army agent, Mr. Greenwood, of whom most of the others, including the Duke himself, had borrowed money. After the wine had gone round a few times, one of the young officers begged his Royal Highness's permission to give, as a toast, the health of a gentleman at the table, 'a gentleman to whom they were all much indebted, and to whom they were likely long to owe much,—whom indeed they never could hope to repay.' The Duke said, 'Certainly, Sir.' 'Then,' said the young officer, 'I give you the health of Mr. Greenwood.'"

"There was a report," says Lord Eldon in his Anecdote Book, "that the Duke of York said to Mr. Coutts, 'I think, Sir, you have been my banker for more than twenty years;' and that Coutts replied, 'Your Royal Highness, I think, may be said to have been my banker during the whole of that time; as my money has been in your hands, not your money in mine.'"

In a letter of 2nd April following, Lord Eldon says to his grandson:—

"We had a lock of the Duke's hair sent us, and we have each had some put into a little gold case which we wear with our watch-chains. Mamma would not trust the lock of hair out of the house, and therefore had a person from Hamlet's come to the house to put the hair into the golden receptacles."

The funeral of the Duke of York took place on the night of the 20th of January 1827, in St. George's Chapel, Windsor. Some of those who were present suffered seriously from the cold of the season and of the place; but Lord Eldon, recollecting his own tendency to gout, protected his feet by laying down his hat on the flagstones and standing upon it; and his precaution was completely successful.

The Duke of York was succeeded as Commander-in-Chief by the Duke of Wellington, who continued to hold also his office of Master-General of the Ordnance, and his seat in the Cabinet.

Lord Eldon to Lady F. J. Bankes.

(February 18th, 1827.)

"I write this on Sunday. We are at present, from Lord Liverpool's state, in great trouble. Poor fellow! yesterday morning, after breakfast, the servant, surprised that he did not ring his bell, went into the room and found him on the floor in a violent apoplectic fit, quite senseless. I never saw him better or more cheerful than he was on Friday afternoon in the House of Lords.

"He is very little, perhaps a shade, better to-day, but his life is very uncertain, and it is quite certain that, as an official man, he is no more. This is a most tremendous blow, *under present circumstances*, to the public, and its effects upon individuals must be important. Heaven knows who will succeed him. Peel went down to Brighton to inform the King of the event; at the time I write he is not returned. If other things made it certain that he would otherwise succeed him, I should *suppose* Canning's health would not let him undertake the labour of the situation. But ambition will attempt anything."

Lord Eldon to Lord Encombe.—(Extract.)

(Written February 20th, 1827.)

"On Saturday, Lord Liverpool was seized with a fit, as I understand, both apoplectic and paralytic; he has lost the

use of his right side; and though there are hopes that his natural existence may not be immediately terminated, there is an end of his official life. This, at any time, would be an event of importance: so immediately after the Duke of York's death, and upon the eve of the days when the great questions of the Corn Trade and Catholic Emancipation are to be discussed and decided, it is of importance so great, that nobody can be certain whether it is not of so much importance as to render almost certain wrong decisions upon those vital questions.

"Nobody knows, and nobody can conjecture with probability, how soon the illness of the Minister will, as it seemingly must, dissolve the Administration, or how another is to be formed and composed. Speculation, as to this, is very busy, and politicians are all at work. The Opposition are in high spirits, and confidently expecting to enjoy the loaves and the fishes. They may—but they also may not—be disappointed.

"May God's blessing ever attend you!"

"Tuesday morning."

Lord Eldon having made a few observations upon a petition presented on the 20th of March by the Duke of Devonshire from the Roman Catholics of Dungarvon, and the Marquis of Lansdowne having then attributed to the Noble and Learned Lord's influence in that House the repeated rejection of all the measures which, from time to time, had been proposed for the relief of the Roman Catholic body,

The Lord Chancellor observed, that if the Noble Marquis meant to state, that the decisions of that House were made under the influence of the person whom he called the "Noble and Learned Lord," he could only say, God forbid that that should be the fact! His own confident opinion was, that their Lordships' decisions were those of a Protestant House of Paliament, in a Protestant empire, paying only a proper attention to the honest declarations of the opinion of one of the members of that House: for he was too well ac-

quainted with his own imperfections and defects,—and he said *that*, as a man approaching to his grave,—to suppose that their Lordships had thought proper to adopt his opinion on a matter of such great importance. He only wished so to conduct himself, that the subjects of a Protestant King and a Protestant Parliament might be convinced that he went to the grave, without having lessened the security which the country had for the enjoyment of civil and religious liberty. He did not presume to state, or to think, that the sentiments of the humble individual, convinced of his imperfections, who now stood before their Lordships, could have such influence as to direct their decisions; and he thought that the Noble Marquis, who stated that he had influence, paid no compliment to their Lordships. With respect to security for a Protestant country, and for a Protestant Church, he had long made up his mind, that their Lordships must do one of these two things,—they must grant what was asked without any securities at all, or they must have much better securities than those which had hitherto been offered.

No man in the kingdom was a greater friend to toleration than he was; and it was upon that ground that he hoped and trusted—and he should say so if these were the last words he should utter, and he was approaching quickly to the end of his days—he hoped and trusted that their Lordships, both for the sake of the Protestant subjects as well as the Catholic subjects of this empire, would preserve that Constitution which had been earned by the exertions of their ancestors at the time of the Revolution; and he would state to the Roman Catholics that, with his consent, they should have every thing except power in a Protestant state.

Mr. D. W. Harvey, on the 13th of March, in the same Session, did some service, though very unintentionally, to the Chancellor, by moving, in the House of Commons, for a return of his emoluments in bankruptcy, which Mr. Harvey represented as amounting to 30,000*l.* a year. To this the Government readily acceded, calling at the same time

for some other information, which would be explanatory of that return, and from which it would be seen that the average of the Chancellor's own receipts in bankruptcy was only from 3000*l.* to 4000*l.* a year.*

The same member moved, on the 5th of April, for returns of the business set down before, and disposed of by, the Chancellor, in equity, bankruptcy, and lunacy, and in the House of Lords: the object being to fix him with the responsibility of all the arrears. This motion was negatived by a majority of 132 against 66. The subject of these general arrears is fully considered in the review of Lord Eldon's judicial character, toward the close of this biography.

Meanwhile, on the 27th of February, Sir John Copley, who was then become Master of the Rolls, had obtained leave to introduce into the House of Commons, with the sanction of the Chancellor, a bill founded on the measure of 1826, for remodelling the practice of the Court of Chancery. This new bill, which obviated some of the practical difficulties of the preceding one, particularly those of a pecuniary nature, had not proceeded far in that House, when it became obvious that Lord Liverpool would never be able to resume his functions, and that the responsibility of remodelling the practice of the Court of Chancery must devolve upon another Ministry. In fact, though his natural life was prolonged to the December of the following year, his political existence, and that of the Administration which he had headed, were at an end from the month of April 1827, when Mr. Canning received the King's commands to form a Government.

Lord Liverpool had been, for almost fifteen uninter-

* See Lord Eldon's letter of Feb. 26th, 1824: Chap. XLVI.

rupted years, the First Minister of the Crown. Trained to politics from early life, by his father, the first Earl of Liverpool, a man of great abilities and attainments, he thoroughly understood what may be called public business, both foreign and domestic. He was not wont to indulge in very large or bold views; but he had considerable judgment, much facility in debate, and the talent, a very useful one in those times, of keeping matters *as they were*. Tendencies towards change had begun to be apparent in all quarters; and careful observers could discover that whensoever and howsoever the Liverpool Ministry might be broken up, at that breach a formidable tide was rising to rush in. Thus the perplexity occasioned by the sudden loss of Lord Liverpool's services was much more than in proportion to the actual measure of his ability. He had held office so long and so respectably, and was personally so well regarded by his colleagues, that men, the most highly gifted in various ways, the Duke of Wellington and Mr. Canning, Lord Eldon and Mr. Peel, were all content to serve with and under him, constituting the strength of that fabric, of which he was not so much the capital as the key-stone. The difficulty, therefore, of providing a successor was not in finding talents equal to those of Lord Liverpool: the real embarrassment lay in the state of public feeling, particularly upon the Catholic question. The Anti-Catholic portion of the Cabinet would acquiesce in no nomination but of an Anti-Catholic Prime Minister. Mr. Canning, on the contrary, would be no party to a reconstruction which should not place at the head of the Ministry some statesman friendly to the Catholics. Thus the second

week of April had arrived without any decisive steps toward the readjustment of the Cabinet.

Lord Eldon to Lady F. J. Banks. — (Extract.)

"Wednesday (Probably April 1827).

"This must be a short scrap. I cannot help it in the distressed state in which the unsettled state * of Administration is, and the necessity of *speedily* settling it. I think — who could have thought it? — that Mr. Canning will have his own way. I *guess* that I, Wellington, Peel, Bathurst, Westmoreland, &c., will be out."

The same to the same. — (Extract.)

(April 1827.)

"There seems again to be some uncertainty whether Lord Lansdowne and a few Whigs have joined Mr. C.; but it *will* be so, I have no doubt.

"The whole conversation in this town is made up of abusive, bitterly abusive talk, of people about each other — all fire and flame. I have known nothing like it."

These heats arose from no cabal among the Anti-Catholic members of the Cabinet. The Anti-Catholic leaders at that time were Mr. Peel in the one House of Parliament, and the Lord Chancellor in the other; yet even these two Ministers, attached as they were both personally and politically, had thought it not right to anticipate the King's pleasure with respect to themselves or their colleagues, by pre-arranging between them the course which they might feel it their duty to take or to recommend in the event of his requiring their services. Mr. Peel's difficulties on the subject of the Catholic question, as connected with the then contemplated appointment of Mr. Canning to the direction of the Government, were first avowed to

* Sic. in orig.

the King himself; and it was only when they had been conveyed by his Majesty to Lord Eldon, that Mr. Peel considered himself at liberty to communicate with his colleague on the subject of them. The two letters in which he then explained himself have been found among Lord Eldon's papers; and the error of the common notion, that in the workings of a statesman's mind there must always be double movements and secret springs, could hardly be better illustrated than by the plain, frank exposition which these letters present of Mr. Peel's motives of action.

Mr. Peel to the Lord Chancellor.

"My dear Chancellor, "Whitehall, April 9th, 1827.

"To prevent misconception, allow me to commit to writing the purport of what I said to you this morning.

"My earnest wish is to see the present Government retained in his Majesty's service on the footing on which it stood at the time of Lord Liverpool's misfortune. I am content with my own position, and wish for no advancement or change. Differing on the Catholic question from every one of my colleagues in the Government who is a member of the House of Commons, still I have been enabled to act cordially with them, and much to my satisfaction on other matters. I esteem and respect them, and should consider it a great misfortune, were his Majesty to lose the services of any one of them, but particularly of Canning.

"I can say with truth, that on all matters of domestic and general policy (with the exception of the Catholic question) my opinions are in accordance with theirs. In regarding the interests of the country, and the position of the Government, I cannot confine my views to the Catholic question alone. Our differences on that question are a great evil; but they ought not to make us forget that on other subjects, some of not less importance—Parliamentary Reform, for instance—we are united. On the Catholic question the House of Commons recently divided, 276 to 272. Is not such a division an

answer to those who demand an united Government, either in favour of, or opposition to, the Catholic claims?

"You informed me that the King had mentioned to you yesterday, that I feared I should have great difficulty in remaining in office if Canning were placed in the situation of Prime Minister. As his Majesty has mentioned this to you, I may, in writing to you now, break that silence which I have hitherto maintained on a subject of so much delicacy.

"The difficulty to which his Majesty referred arises out of the Catholic question, and I must say out of that alone. If I agreed with Canning on that question, or if his opinions had been the same with Lord Liverpool's, I should not have hesitated to remain in office, had his Majesty commissioned Canning to form a Government, and had Canning proposed to me that I should form a part of it.

"My own position, with respect to the Catholic question, and with respect also to the particular duties which my office devolves upon me, is a peculiar one. I have, for many years, taken a leading part in the House of Commons in opposition to the Roman Catholic claims; and for the last five years (God knows not without serious difficulty and embarrassment) I have filled that office which is mainly responsible for the administration of affairs in Ireland.

"Can I see the influence of the office of Prime Minister transferred from Lord Liverpool to Canning, and added to that of leader of the House of Commons, without subjecting myself to misconstruction with respect to my views on the Catholic question? Can it be so transferred without affecting my particular situation as Secretary for the Home Department, and my weight and efficiency in the administration of Irish affairs? It is with deep and unaffected regret that I answer these questions in the negative. You will perceive, at the same time, that no small part of my difficulty is a peculiar and personal one. It arises partly from the very marked course I have taken on the Catholic question — partly from the particular office in which circumstances have placed me, and the particular relation in which I stand to Ireland and Irish affairs. Others of my colleagues, who concur with me generally on the Catholic question, may not feel this

difficulty. I will not seek, directly or indirectly, to influence their judgment: my first wish is to see the present (perhaps I should rather say the late) Administration reconstituted precisely on the footing on which it stood when Lord Liverpool was at its head. If this be impossible, can it be reconstituted by Canning, I alone retiring?

"If it can, I shall retire in perfect good humour, and without the slightest disappointment, though certainly not without regret.

"I shall continue, out of office, to act upon the principles on which I have hitherto acted; and cannot but feel that, if the Government shall remain in the hands of my former colleagues, I shall be enabled, in conformity with those principles, to give it a general support. I have written this in great haste; and as you are so soon to see his Majesty, I have hardly had time to read it over.

"Ever, my dear Lord,

"Most faithfully yours,

"ROBERT PEEL."

"P. S.—I hope that I explained, entirely to your own satisfaction, the reason why I had not opened my lips to you on the subject of the present state of affairs as connected with the position of the Government until this morning."

Mr. Peel to the Lord Chancellor.

"My dear Chancellor, "Whitehall, April 9th, 1827.

"What I said with respect to a Protestant Peer at the head of the Government was this,—That if a Peer of sufficient weight and influence could be found whose general principles were in accordance with those of Lord Liverpool,—the appointment of such a Peer to be head of the Government would be quite unobjectionable to me, so far as I am personally concerned. It might be difficult to find such a person, because I think he ought to be a Peer of name and character, and ability also sufficient to sustain the part of Prime Minister.

"I certainly did say to his Majesty that I could not advise the attempt to form an exclusive Protestant Government; that I could not be a party even to the attempt, should it be

contemplated; but his Majesty was, I am confident, of the same opinion.

"I said, also, that I was out of the question as the head of a Government, under that arrangement which I consider by far the best that could be made—namely, the reconstitution of the late Administration; because it was quite impossible for Canning to acquiesce in my appointment.

"I wish to remain as I am, acting with him, he be[redacted] leader of the House of Commons, with the just influence a[redacted] authority of that station, subject of course to what I stated in my first letter.

"Ever yours,
"ROBERT PEEL."

On the 10th of April, Mr. Canning received his Majesty's commands to form a Government; but on the 12th, when he kissed hands as First Lord of the Treasury and Chancellor of the Exchequer, he found himself shorn of more than half the strength of the Tory party. He had now to construct a Ministry without the Duke, Mr. Peel, or Lord Eldon. The Lords Bathurst, Melville, and Westmoreland, also signified their intention to retire; and the only Members of the Cabinet, who finally adhered to the new Minister, were, Lord Harrowby the President of the Council, Mr. Huskisson the President of the Board of Trade, Lord Bexley the Chancellor of the Duchy of Lancaster, Mr. Wynn the President of the India Board, and Mr. Robinson, the last of whom was now created Lord Goderich and transferred from the Chancellorship of the Exchequer to the Secretaryship of the Colonies, with the lead of the Government in the House of Lords. Lord Eldon was succeeded as Lord Chancellor by Sir John Copley the Master of the Rolls, who was created Lord Lynd-

hurst, and Mr. Peel as Secretary for the Home Department by Mr. Sturges Bourne. The Duke of Clarence became Lord High Admiral, superseding the office of First Lord of the Admiralty, which had been held by Lord Melville; but his Royal Highness had no seat in the Cabinet. Nor had the Marquis of Anglesey, who followed the Duke of Wellington as Master-General of the Ordnance; but Lord Palmerston, who retained his office of Secretary-at-war, was called to a place in that Council. The Duke of Portland succeeded to Lord Westmorland as Lord Privy Seal; and Lord Dudley and Ward to Mr. Canning as Secretary for Foreign Affairs.

Thus was accomplished the formation of a Government under a Prime Minister favourable to the Catholic claims; but it was so formed on the express condition that the question of those claims was to continue what is called an open one; that is, a question on which the Ministers vote, not unitedly as a Government, but each separately according to his own individual opinions.

Lord Eldon retained the custody of the Great Seal nearly three weeks after his tender of resignation, in order to dispose of some cases that were waiting for his judgment. Lord Lyndhurst having been appointed his successor, Lord Eldon wrote to congratulate him and to make some arrangement for the change in the custody of the Seal. Lord Lyndhurst's answer was as follows:—

"My dear Lord, "George Street, April 26th.

"I thank your Lordship for your kind congratulations with respect to the change of the custody of the Seal. Nothing more has been stated to me than a wish that it

should take place before the meeting of the House of Lords. I beg your Lordship will, in every particular, consult your own convenience, to which it will be my greatest pleasure to conform. If your Lordship will permit me, I will wait upon you after I have made the necessary inquiries, and inform your Lordship of the result. Believe me, my dear Lord (with the deepest sense of your uniform kindness to me), to remain, with unfeigned respect,

"Your Lordship's faithful servant,

"LYNDHURST."

Lord Eldon to Lady F. J. Bankes.—(Extract.)

(April 1827.)

"If I had all the livings in the kingdom vacant when I communicated my resignation (for, what, *since that*, falls vacant, I have nothing to do with), and they were cut each into threescore livings, I could not do what is asked of me by letters received every five minutes, full of eulogies upon my virtues, all of which will depart when my resignation actually takes place, and all concluding with, 'Pray give me a living before you go out.'"

Lord Eldon and the other retiring Ministers, on Monday the 30th of April 1827, resigned the seals of their respective offices into the hands of the King.

The two houses of Parliament had adjourned, in the second week of April, for the Easter recess. When the House of Commons re-assembled on the 1st of May, Mr. Peel gave a statement of the grounds upon which he had withdrawn from office, and Mr. Canning of the circumstances under which the resignations of his late colleagues had been sent in. "They were circumstances," he said "forming a coincidence, to which, however, he would not apply the name of concert."

Mr. Peel, in an explanation of some length, defended himself and his colleagues from the supposition of having acted

in concert on this occasion. He stated that Lord Eldon had intimated his intention of retirement to Mr. Canning on the night of the 10th, and added that in a conversation with himself on this subject Lord Eldon had said, "My time of life has made it necessary that I should resign. A new event has occurred, that enables me to accomplish this wish. Whatever my opinions may be on the Catholic question, it is hardly necessary for me now to restate them; for the question is merely whether I must revoke an intention I had previously formed, of tendering my resignation, or go on acting with a Minister who, upon that question, is most decidedly opposed to me. I am disposed, however, to remain in office until I shall have been enabled to deliver my judgments in the matters which have been heard before me."

Mr. Canning stated, in reply to Mr. Peel, that, in his conversation with the Lord Chancellor on the evening of the 10th, he had not understood that it was the Learned Lord's intention to resign. He had, however, received the Chancellor's resignation in the chamber of the Sovereign on the 11th of April, along with some other resignations to which he had before adverted.

Lord Eldon to Lady F. J. Banks.—(Extract.)

"My ever dear Fan, "May 2nd, 1827.

* * * * * *

"I took my final leave of office on Monday. The King, to me personally, behaved with kindness and feeling. He sent for me on the Sunday, as he said he could not prevail upon himself to part with me having only the short interview, which the hurry of Monday, when the whole change was to be made, would admit. His conversation to me was very kind certainly, and it discovered a heart that had such affectionate feelings as one cannot but deeply lament should, from intrigue and undue influence, not be left to its own operations upon the head. Bessy will have told you of the memorial of his feelings towards me, which he has sent me; and her pen I think more likely to describe its beauties than mine would be, and so I leave that subject.

"To-night I presume we shall have some account to give of our conduct in the House of Lords, as Peel did last night of his in the Commons, in a speech you will of course see in the papers. We, who are to account to-night, are Wellington, Bathurst, Melville, Westmoreland, and myself. Mine will be short, but I hope satisfactory to those who I should wish should be satisfied with my conduct.

"I have now taken my farewell of office. Johnson, in the 'Rambler' or 'Idler,' I forget which, in his *concluding* essay speaks of every person's being affected, by what is '*the last*,' by the finishing of his labours. Is the mind so constituted that it cannot be otherwise than that, for a short season, the change from a station of vast labour and importance, to a state of comparatively no labour and no importance, must feel strange? I bless God, however, that he has enabled me, in that state of change, to look back to a period of nearly half a century, spent in professional and judicial situations and stations, with a conviction that the remembrance of the past will gild the future years which his Providence may allow to me, not merely with content, but with that satisfaction and comfort, and with much happiness, of which the world cannot deprive me.

On the evening of this 2nd of May, Lord Eldon in pursuance of the intention announced in the foregoing letter, gave his own explanation in the House of Lords. Lord Grosvenor having presented two petitions in favour of the Roman Catholic claims, accompanied with a speech of his own wherein he maintained, that as capital should flow into Ireland the conversion of the Roman Catholics would follow, Lord Ellenborough, who spoke next, suggested, that those Noble Lords, lately in the Ministry, who had been so grossly assailed for their resignations, might fitly take this occasion for vindicating their conduct.

The Earl of Eldon then rose.

He said, that his Majesty's late servants had been charged

with having acted in concert, and that too for the unpardonable object of dictating to the Sovereign what choice he should make in the selection of his constitutional advisers. After having been so long a member of that House, and so long the steady advocate of principles directly opposed to a doctrine so unconstitutional, he hoped he might be permitted to assure their Lordships that this charge was a base and infamous calumny, so far as he himself was concerned, or so far as it might be supposed to apply to those distinguished persons who had retired with him from office. That it could be supposed that he, who had, for so many years, discharged the duties of his office with an honest sincerity of purpose, through evil report and through good report, should have been guilty of the offence of dictating to his Sovereign what persons he should choose, to form his Government,—subject, of course, to the constitutional control of both Houses of Parliament,—was what he never could hear without telling those who made the charge that it was a base and gross falsehood. [Loud cheers. Lord Eldon here became sensibly affected.] He had felt it right, for the sake of the Sovereign whom he had served—he had felt it right as well out of duty to that Sovereign himself, as also out of duty to his Royal father whom he had also served—to state, that he never disguised from him his real sentiments on any proposition that might have been made to him in the relation in which he stood to the Crown. As to his resignation, he would state it in the presence of those who knew that he was speaking the truth, that with him the thought of resigning was not a new one. He had, for years back, felt it his duty to consider whe the he ought not to have quitted office long before, and, if he ha still retained it in opposition to his own inclination, it was only because he had been urged and importuned to do so. Upon this question he had no personal feelings as to the individual who might happen to be placed at the head of the Government. But, if his Majesty had a constitutional and uncontrollable right to choose his Ministers, no man would honestly discharge his duty without considering whether, under the selection which his Majesty had made, he could

usefully serve him. [*Hear, hear!*] He might be right, or he might be wrong; but, supposing him to be wrong as to the view he took of the great importance of the Catholic question, he would now say, that it ought not to be postponed any longer, but that some decision ought to be come to upon it. He was aware that he himself had, on more than one occasion, been instrumental in postponing it. But he thought the time had now arrived, when some decisive measure ought to be adopted. He must observe that he had intended to resign, even if this question had not created any difference of opinion in his Majesty's councils. Though he found it possible for him to serve in the Administration with such a man at the head of it as Lord Liverpool, yet with an Administration with the present Prime Minister (and he wished to speak with respect of that gentleman, giving him full credit for the sincerity of his opinion), when the question was with him, whether he should relinquish his purpose of resigning and go on with the Administration, he found that he could not do it. He thought it his duty to state to some members of that House, towards whom he had every sentiment of regard, and who he knew entertained a contrary opinion to what he did, his own opinion; which was, that if the question of the Catholic claims should be carried, there was an end to the religious liberties of this country, and that with the destruction of those religious liberties, the civil liberties must cease also; and to his dying day he should support that opinion. He could not, therefore, after having formed such an opinion, conscientiously give in to those views, which must be the views of the Prime Minister, of granting the claims of the Catholics, whether those views were to be carried into immediate execution, or whether they were to be suspended, for the purpose for which they only could be suspended, of more effectually securing the success of that question. Under such circumstances, it was impossible for him to be part of the Government. As for himself, it had been stated that he had concerted with another person in sending in his resignation. The person alluded to was a gentleman for whom he entertained the sincerest regard and esteem; and he thought it no less than his duty to say, that that gentleman knew nothing at all about his sending in

his resignation. He believed the same to be the case with respect to the other persons who had sent in their resignations. He had understood that the writs were to have been moved on the Thursday before the holidays, and he had made up his mind, if that measure should take place, then to send in his resignation. His intention had been long formed upon the subject. The letter which informed him who it was that was to be Prime Minister stated in one single word that the Administration had been formed upon the principles of the Administration of Lord Liverpool. He never could agree that the Administration was formed upon similar principles. Lord Liverpool's Administration was formed upon principles totally different from those upon which the present one was formed. The Earl of Liverpool, he recollected, was as zealous, honest, and candid an opponent of the Catholic claims, as he gave full credit to the Right Hon. Gentleman who was now Prime Minister, for being a zealous, honest, and candid supporter of those claims. He had only to say that the communications made by those noble personages to whom he had before alluded were made without any concert with him. He knew nothing of them whatever; and, under such circumstances, he thought every candid man would admit that there was an end of the charge of concert, as far as he was concerned. There was, in his opinion, no censure too harsh for the man who should presume to dictate to his Majesty as to the choice of his Ministers; but at the same time he must say, that if that man were asked by his Majesty for his advice on the subject, no censure would be too harsh for him, if he refused to tender to his Sovereign his honest and sincere advice. If there were any persons who advocated a contrary opinion, he was proud to say that he was not to be found in their number; nay, he would add further, that more unpardonable conduct had been falsely attributed to him than had ever been exhibited by any individual towards his Sovereign. If their Lordships gave him any credit for sincerity, they would believe the statement which he had just made to them. He assured their Lordships that there was no consideration which would induce him to withhold his efforts to preserve the Constitution, as settled at the Revolution, for the sake

of our religion, our laws, and our liberties—our civil and religious liberties—which must co-exist, or perish together. He could not lay aside the benefit of that experience which we had gained previously to that settlement,—a settlement which, when originally made, received the sanction of those individuals whose descendants were now most anxious to overturn it. His whole life had been devoted to the defence of that Constitution, and to the resistance of the concessions now proposed to be given to the Catholics; because he had been convinced from his youth upwards that ecclesiastical tyranny produced civil tyranny likewise; and because he was satisfied, that unless ecclesiastical liberty was preserved, civil liberty was endangered,—a fact which had been proved to demonstration by the events of the last four years. In the opinions which he had formed upon this question he might be wrong; indeed, he would not pretend to say that he was further right than this—that his own light had governed his own conduct, and that he had acted throughout with the utmost sincerity and consistency. He trusted that as he had never doubted the sincerity of Noble Lords, whilst they were supporting opinions opposed to his own, their Lordships would not doubt at present of the sincerity of his motives. He trusted that he might be permitted to conclude with the sincere expression of the obligations which he owed to their Lordships for the kindness with which they had always supported him in the discharge of the arduous duties which he had just resigned. He begged their Lordships to believe that he felt the deepest gratitude for the forbearance which they had uniformly shown to his failings and his feelings in that House, and assured them that he should never lose a sense of it, so long as he retained the functions of memory. [*Hear, hear!*]

The subject being renewed in the House of Commons on the 3rd of May, Mr. Canning added, to his former statement, the following candid testimonial:—

"It was on the night of the 11th of April he received the resignation of Lord Westmoreland: of the resignation of the

Right Hon. Gentleman (Mr. Peel) he was aware some days before. He received the resignation of the Duke of Wellington on the 12th, at half past ten A. M. Lord Bexley sent in his * shortly after. With these, and the verbal resignation of Mr. Peel, he went to St. James's. Those of Lord Eldon and Lord Bathurst arrived during his absence, and did not reach him till he was in the King's closet. He would state farther, that, so far from anticipating the resignation of Lord Eldon, the King and himself were each under the delusion that there were the best reasons to expect the support of his services in the new arrangements. This was the exact state of the affair; and upon his honour he assured the House, that when he spoke of the coincidence in the manner in which he had mentioned it, he intended no sneer. It was bare justice to Lord Eldon to say, that his conduct was that of a man of the highest feelings of honour, and that, throughout, it had been above all exception."

Lord Eldon to Lord Encombe.—(Extract.)

"My very dear John, "Saturday; May 5th, 1827.

"I had my pen in my hand, to write to you therewith, at the moment I received your kind and affectionate letter, for which many, many thanks to you. We ex-Ministers have been as much abused for cabal and conspiracy, as if we had formed another Cato Street gang; and we were tried in the House of Lords, as if we had been a band of culprits. We all pleaded not guilty, and I believe we were all, in the opinion of all, most honourably acquitted. The fact is, that, with my principles, to remain in office under a Prime Minister of different principles, (either his principles or mine being, *but both* certainly *not being* consistent with the support of the pure reformed Established Religion of the country, and the support of its political liberties,) appeared to me to be unworthy conduct on my part, being satisfied that my own principles were right. I look back to forty-four or five years spent in Parliament with perfect consistency in conduct—no deviation whatever—I have been either always right or always wrong, *Servetur ad* &c. &c. Not that con-

* It was afterwards recalled.

sistency in error is otherwise than most blameable, if the person, observing that consistency, has discovered that he has been in error. This discovery I have not been able to make; and the line that I have taken in the support of the religion and political constitution of my country, after a most anxious endeavour to inform myself aright upon subjects so interesting, I think, upon severe reflection, was the line I ought to pursue in the discharge of my duty to myself, my descendants, my fellow subjects, their descendants, my Sovereign, and the Throne; and, with all due humility, I add, my duty to God. *Esto perpetua*, is my prayer as to the Constitution in Church and State. I tremble somewhat when I see a Prime Minister supported by those individuals who have been thought to hold jacobinical and radical doctrines for years past, and when I see some of our supposed Whigs joining them: can this long endure? My defensive speech, I have reason to believe, did me and my family no discredit, and I think it will do none to my memory. The House was much surprised with the ability, clearness, judgment, and power, with which the Duke of Wellington spoke.

"The King parted with me in a very kind and affectionate manner. The piece of magnificent plate, which he has presented to me upon parting, will, I think, very much please you; and it is certainly a very valuable family possession.

* * * * * *

"I hope, my dear John, I have acted in the close of my political life, according to my moral and religious duties. A good example of a life, spent in an endeavour constantly to conform to those duties—always and ever to regulate conduct by the rules which those duties, well understood, prescribe, is, my dearest John, the best, and proudest, and most valuable inheritance I can bequeath to you and my family. God bless you—ever bless you—is the prayer of your dear grandmother, and of your affectionate grandfather,

"ELDON."

Lady Elizabeth Repton to Lord Encombe.—(Extract.)

(May 5th, 1827.)

"The hurry and fatigue that he (Lord Eldon) has gone through, during the last three weeks, is quite surprising;

but, thank God, he has kept wonderfully well. The King sent for him last Sunday, and, as far as concerned *himself*, nothing could be more gratifying than his audience; and, when about to take leave, he put a small key into his hand, and said he hoped when he got home he would find not only a token of his present regard for him, but of that which he must feel to the latest hour of his life.

"Given as this token was, my dear John, it cannot fail to be very gratifying to us all. On Monday your grandfather attended, with the rest of the Ministers, to give up the Seals of Office, and was, of course, called in first. The King was so much affected that very little passed, but he threw his arms round your grandfather's neck, and shed tears."

The present Earl describes the gift of the Sovereign as "consisting of a tankard of silver gilt, its lid having an accession medal of the King embodied therein, and bearing on the lower side these words:—

"'THE GIFT OF HIS MAJESTY KING GEORGE IV.
TO HIS HIGHLY-VALUED AND EXCELLENT FRIEND
JOHN EARL OF ELDON,
LORD HIGH CHANCELLOR OF ENGLAND, &c.
UPON HIS RETIREING FROM HIS OFFICIAL DUTIES IN 1827.'

"The key of the case in which Lord Eldon found it standing, had been put into his hands by the *King himself*."

Mr. Farrer to Lord Encombe.

"Dear Encombe, May 4th, 1827.

"I went to Lord Eldon, and had a long conversation with him,—a conversation, in which he detailed his feelings upon the late extraordinary political proceedings, in a manner that gratified my mind, and satisfied me that he had acted most honourably, and that he felt his retirement as his best friends would wish him to feel it. The meeting of Parliament has given him the opportunity of making a full explanation of his conduct. It was most satisfactory and convincing. It was delivered in his best style, clear, manly, powerful, not without feeling and sensibility in finding himself called upon to repel

some false charges, but there was no unbecoming softness. I never was more gratified. The King's present is a very just testimony; but mark the delicacy of your grandfather's feelings. Before he accepted absolutely, he consulted his colleagues as to the propriety of his accepting it with reference to them. Their answer was, you must accept the tankard, and you must provide wine for us to drink out of it."

Lord Eldon to Lady F. J. Bankes.—(Extract.)

"My dearest Fan, Saturday, (May, 1827).

"Many thanks for to-day's letter. I can't help writing, as to-morrow is not a post day; though to be honest, and say the truth, my head is in a state of such puzzle between winding up old causes, pressing judgments, constant interruptions of visitors, and I know not what besides, that, if I did not feel uneasy if I did not send you my love, I could hardly be excusable for writing. Of news I have none. I think political enmity runs higher, and waxes warmer, than I ever knew it. God bless us all!—to think of our Prime Minister's principal supporters in the House of Commons being Burdett and Brougham! Surely such things can't remain long.

"I still think that the Minister must either fall, or be borne up by the Lansdowne party. That, however, seems very small, as one looks at them when congregated in the House of Lords. Think of Lord King sitting among the Bishops! I am afraid that that Bench, as to some of them, will do themselves no credit.

* * * * * *

"The newspapers are, after abusing us the culprits, Eldon, Wellington, Westmoreland, Bathurst, Melville, and Peel, wheeling about, and becoming trumpeters in behalf of us, the acquitted conspirators."

* * * * * *

A very gratifying address was presented to Lord Eldon on his retirement, by the Masters in Chancery, expressing their grateful sense of his kindness to

them throughout the very long period for which he had held the Great Seal, and bearing testimony to his "great learning and unsullied integrity." It was dated May 5th 1827, and signed

F. P. Stratford, J. S. Harvey *, Samuel C. Cox, James Stephen, J. E. Dowdeswell, F. Cross, James Trower, William Wingfield, J. W. Farrer, G. Wilson, R. H. Eden. †

The answer was in these cordial terms: —

"May 7th, 1827.

"Lord Eldon has received, with great satisfaction, the letter which the Masters in Chancery have been pleased to address to him.

"He reflects with great pleasure upon the fact, that he has given to the public the benefit of the services of all these gentlemen.

"Separated from them, as being no longer in a judicial situation, he trusts that he may carry with him in retirement their good opinions, and he assures them that, in what remains to him of life, he shall most anxiously promote, as far as he can, their honour and welfare."

The present Earl computes the total duration of his grandfather's Chancellorship to have been but a few weeks short of a quarter of a century; calculating thus: —

	Years.	Months.	Days.
"From 14th April 1801, to 7th February 1806 -	4	9	24
From 1st April 1807, to 30th April 1827 -	20	0	29
Total duration - - -	24	10	23

"From the time of the Norman conquest the Great

* Accountant-General. † Afterwards Lord Henley.

Seal of England was never held so long by any other individual, lay or clerical, as by Lord Eldon."

The anecdotes which occupy the succeeding pages are all, or most of them, referable to the period of Lord Eldon's Chancellorship; and therefore, in the absence of precise dates, will not improperly form the conclusion of this Volume, which closes his official life. The first seven are from the Anecdote Book.

"The Duke of Norfolk*, towards the latter end of his life, was extremely apt to fall asleep. This happened very often in the House of Lords, and its proceedings were in some measure interrupted by the noise which his Grace's snoring made. Upon one day, whilst he was sound asleep, and very sonorous, the members of the House of Commons came up with a bill, and I announced to the House of Lords, as Speaker, that the message from the Commons was, that the Commons had passed a bill relative to Great Snoring, to which they desired their Lordships' concurrence. I spoke very loud when I mentioned Great Snoring, which, with a laugh throughout the House, awaked the Duke out of his great snoring, who very heartily joined in the laugh. Great Snoring is a parish, I forget in what county†, and the bill was a bill for inclosing the commons of that parish."

"By Act of Parliament, an Irish Peer has his right to vote, in the election of Peers to sit in the Parliament of the United Kingdom, resolved in the House of Lords, proving his pedigree. An Irish Peer asked me in the House of Lords, how the marriage of his grandfather was to be proved? I told him that it

* Charles, the eleventh Duke, who died in 1815.

† In the County of *Norfolk*.

must be proved in the usual manner, by production of the register of the parish where the marriage was celebrated. 'But, my dear,' says he, 'in Ireland there are very few parish registers; I don't know in what parish my grandfather was married, but it has no register.' 'How do you know that,' said I, 'if you don't know the parish?' 'Oh, ay,' said he, 'that's true, it did not occur to me. But it is,' he added, 'very hard, my Lord: won't my testimony, my dear, be sufficient to prove my grandfather's marriage?' 'Certainly, my Lord,' said I, 'it will, if you were present at your grandfather's marriage; otherwise not.'"

"There stands on the table of the House of Lords a large box, half full of papers and half empty. A stroke of the hand upon it makes a vast noise, and is extremely distressing if often repeated. John Grenville was much in the habit of inflicting blows upon it whilst speaking, and when he wished to make the House attentive. Stunned with the noise, a person left the House, saying, 'it is impossible to bear this; 'tis *box et præterea nihil.*'"

"Law, Bishop of Elphin, when he was first in Ireland, had strong feelings in favour of the Roman Catholics. During his residence in Ireland he became hostile to them. He came and sat upon the Woolsack with me one day in the House of Lords, and began a conversation respecting the Catholic claims. He said he had told Ned that morning (so he styled his brother Edward, then Lord Ellenborough,) the long and the short of the argument, all that need be said about it. Upon my asking him what was his argument, he replied, 'I can't see why we should

allow those people any *places* upon earth, who will not allow us to have any in heaven.'"

"Lord Donoughmore came to me upon the Woolsack, upon the day in which something was to pass on the Catholic question, and an eminent Prelate, it was understood, was to vote with Donoughmore. Entering into conversation with me, Lord Donoughmore said, 'What say you to us now? We have got a great card to-night.' I said, 'What card do you mean? I know the King is not with you; there is no Queen; there is only another great card.' 'What,' said Donoughmore, 'The right Reverend Prelate a Knave!' '*You* have called him so,' said I, '*I* have not.'"

"Mr. Quarme, Deputy Usher of the Black Rod in the House of Lords, was crossing the street by the Horse Guards, when it was very dirty. Being a very diminutive man, a soldier picked him up under his arm, and set him down on the opposite side of the street: Quarme was very angry, and swore at him for what he had done. 'Oh,' said the soldier, 'if I have done wrong, I'll set matters right again immediately: and so picked up Quarme again, and set him down exactly in the same dirt out of which he had before taken him."

"A prelate told me that a clergyman, to whom he had given a living *as soon* as he asked it, and who protested that he was so satisfied that he never would trouble his patron again, nevertheless, in a very short time, applied to him for another vacant benefice. The party applied to said he should take some time to consider it, and should not give it away immediately. The applicant pressed him, saying, '*Bis dat, qui cito*

dat;' — 'which being interpreted,' rejoined the party applied to, 'means, I suppose, that having given one living to you without hesitation, I am expected *dare bis*, and to give you another!' "*

"I consider," said Lord Eldon to Mrs. Forster, "that Encombe used to renew my life, during the short period I could spend here every year when I was Chancellor; for I laid it down as a rule, that I would transact no business here. Had I not done so, I should have been beset with all sorts of applicants." One of these, as Lord Eldon told Mr. Stratford, the Master in Chancery, was a country clergyman, who found his way to Encombe, and asked for the Chancellor. The servant, who opened the door, said his Lordship was out shooting. "Which way "is he gone?" replied the clergyman. "What is "your business, Sir?" asked the servant. "Never "mind," rejoined the clergyman, "only just tell me "which way your master is gone." The servant pointed out the quarter in which the Chancellor was to be found, and the stranger, following the direction, was not long before he came up with a man carrying a gun, and accompanied by a brace of dogs, but somewhat shabbily dressed; of whom he inquired whereabouts the Chancellor might be found. "Not far "off," said the sportsman: and, just as he spoke, a covey of partridges got up, at which he fired, but

NOTE BY THE PRESENT EARL:

—— "Bis dat
Qui cito dat: minimi gratia tarda preti est."
Alciat's Emblems, 162. line 9.

Queen Elizabeth was dilatory enough in suits, of her own nature: and the Lord Treasurer Burleigh, to feed her humour, would say to her, "Madam, you do well to let suitors stay; for I shall tell you, *bis dat, qui cito dat:* if you grant them speedily, they will come again the sooner."—Bacon's Works, 8vo. 1825, vol. i. 366., Apophthegm 71.

without success. The stranger left him, crossed another field or two, and witnessed, from a little distance, the discharge of several shots as unproductive as the first. "You don't seem to make much of that," said he, coming back; "I wish you could tell me where "to meet with Lord Eldon."—"Why then," said the other, "I am Lord Eldon." The clergyman fell a stammering and apologising, till the Chancellor asked him, rather shortly, whence he came, how he had got to Encombe, and what he wanted there. The poor clergyman said he had come from Lancashire to the Bull and Mouth in London; and that, finding the Chancellor had left town, and having no money to spare, he had walked from London to Encombe; that he was Mr. ——, the curate of a small parish, which he mentioned, and of which the incumbent was just dead; and that he was come to solicit the vacant benefice. "I never give answers to applicants com- "ing hither," said the Chancellor, "or I should never "have a moment to myself; and I can only express "my regret that you should have taken the trouble "of coming so far to no purpose." The suitor said, if so, he had no alternative but to go back to the Bull and Mouth, where he expected to find a friend who would give him a cast back into Lancashire: and, with a heavy heart, took leave. When he arrived at the Bull and Mouth, a letter, in an unknown hand, was waiting for him. He opened the cover with the anxious curiosity of a man to whom epistolary communications are rare; and had the joy of finding in it a good-humoured note from the Chancellor, giving him the preferment. "But now," said Lord Eldon, in telling the story to Master Stratford, "see the in-

" gratitude of mankind. It was not long before a " large present of game reached me, with a letter " from my new-made rector, purporting that he had " sent it me, because, *from what he had seen of my* " *shooting*, he supposed I must be badly off for game! " Think of his turning upon me in this way after the " kindness I had done him, and wounding me in my " very tenderest point!"

" The Whigs," says the writer of a letter to the late Lord Feversham, dated January 1826, " have got up a fine story of a clergyman having lately got a living from the Chancellor by aiding and commending his shooting. The tale was, that this same clergyman went to Encombe on the errand alluded to. He was told at the house that the Chancellor was out a-shooting, but, when he returned, he would not allow himself to be seen on business. Resolved, however, on an audience, the gentleman got to learn which way the Chancellor went — traced him by the report of his gun — passed a covey at which his Lordship had been firing, and boldly told him of his object, which occasioned the following dialogue: — *Chan.* 'It is highly impertinent in you to intrude yourself here, and I shall have nothing to say to you on your business.' — *Clerg.* [apparently silenced, as having got his answer] 'Has your Lordship had good success to-day?' — *Chan.* 'No, I cannot say I have; I missed at a covey just now.' — *Clerg.* 'I saw that covey light as I came along.' — *Chan.* 'Did you? Will you take me to them?' — They went forward, and the Chancellor fired and hit. — *Clerg.* 'That was an excellent shot.' — *Chan.* 'I think it was very well.' — *Clerg.* 'I marked the birds, and will take your Lordship to them if you will allow me.' — As they went along his Lordship grew more familiar, asked if *he* ever shot, and then inquired particulars of his situation, to which he seemed to listen favourably. — *Clerg.* 'I have a letter from Lord Yarborough to your Lordship.' — *Chan.* 'Why did you not mention that at first?' — *Clerg.* 'Because your Lordship seemed angry with me, and forbade my saying anything

further. — *Chan.* 'Well, I will think of the matter when I get to London; let me be applied to there.' And so the story is, that the living was given him."

"The following correspondence," said Lord Eldon to Mrs. Forster, "once took place between my old friend, Dr. Fisher of the Charter House, and me. He applied to me for a piece of preferment then vacant, in my gift; so I wrote to him:

"'Dear Fisher,

"'I cannot, to-day, give you the preferment for which you ask.

"'I remain your sincere friend,

"'ELDON.

"'Turn over.'

"Then, on the other side,

"'I gave it to you yesterday.'"

A relative of Dr. Griffith, Master of University College, Oxford, related to Miss Forster the following instance of Lord Eldon's kindness to the worthy Doctor. "Lord Eldon had offered various livings to his acceptance, which Dr. Griffith had always refused. At last, afraid he might appear ungrateful, the Doctor accepted one in Yorkshire: the reason of his having declined the others was, that his office at Oxford prevented his being able to reside, and he did not like to hold preferment when he could not personally perform the duties. This feeling was so strong, that he was literally unhappy in the possession of the living in Yorkshire, and at the end of two years he wrote to Lord Eldon, to entreat permission to resign it, and, that Lord Eldon might not think him ungrateful, he assigned the reason for so doing. Lord Eldon answered him most kindly, giving permission, but

entreating as a favour, that the resignation should not be sent in immediately, but that Dr. Griffith should retain the living a short time longer. In about nine months afterwards, Lord Eldon again wrote to Dr. Griffith, telling him that he might now resign the living in Yorkshire, and that he had pleasure in offering him a stall at Bristol just become vacant, *that* being a piece of preferment that did not require residence. I need scarcely say Dr. Griffith accepted it, deeply gratified with his patron's kind consideration; but before he took possession of it, he again received a letter from Lord Eldon, revoking the gift of the stall at Bristol, and offering him one at Gloucester, it having become vacant, and being the more valuable of the two." Dr. Griffith accordingly became a prebendary of Gloucester.

The next three anecdotes are communicated by the present Earl, as having been derived from the Chancellor's own mouth.

"A counsel in the Court of Chancery happening to say, of himself and a brother barrister who represented another party in the cause, 'that though the case might look as if it were one of collusion, there was really no understanding between them,' the Lord Chancellor (Lord Eldon) said, 'I once heard a gentleman in the House of Commons inform the members present, that himself and another individual had but one idea between them; but I think you are going rather farther to say that another gentleman and yourself have *no* understanding between you.'"

"Mr. Basil Montagu, arguing as counsel before Lord Eldon, had illustrated his speech with several anecdotes, which made a considerable addition to its

length. On his making some reference to what he designated as the fabric of his argument, the Chancellor said, 'Mr. Montagu, your *fabric* appears to be composed of so many *stories*, that I fear we shall never get to the top of it.'"

"On an application against Mr. Pierce Egan, the author of 'Boxiana,' to restrain him from publishing a fourth volume of that work, he pleaded for himself, and succeeded in preventing the injunction. He rose to thank his Lordship, after the case was disposed of, for the patient attention bestowed upon him; but Lord Eldon, unwilling to hear his own praises, cut the eulogy short by exclaiming, 'Mr. Egan, you have 'gained all you want, and now the sooner you take '*your own head* and mine *out of Chancery*, the better.'"

Here end the records of Lord Eldon's Chancellorships. The concluding Volume of his history will show him, however, still faithfully serving his country, — opposing the weight of his years, his abilities, and his character, against the rash delusions of the time, — and, with stedfast and calm disregard to all the odds of passion and power, defending, to his latest strength, the institutions which his manhood had been devoted to maintain.

END OF THE SECOND VOLUME.

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